

TRANSPORTATION CABINET
Department of Highways
Frankfort, Kentucky 40622

PROPOSAL NO. _____
PROJECT CODE NO. 03-0133

LETTING OF MARCH 28, 2003
Sealed Bids will be received in the
Division of Contract Procurement
and/or the Auditorium located on the
1st Floor of the State Office
Building until 10:00 A.M., EST,
on MARCH 28, 2003. Bids will
be publicly opened and read at 10:00
A.M., EASTERN STANDARD TIME.

PROJECT IDENTIFICATION AND DESCRIPTION:

CARROLL COUNTY, FD04 021 0036 006-007
Embankment failure repair on KY 36 Notchlick Road, a distance of 0.116 mile.

Grade, Drain and Asphalt Surface.

Status Report Item No. 6-5010.00.

(6)

GEOGRAPHIC COORDINATES:

LATITUDE - 38° 42' NORTH
LONGITUDE - 85° 14' WEST

COMPLETION DATE ESTABLISHED FOR PROJECT: DECEMBER 1, 2003

LIQUIDATED DAMAGES SEE STANDARD SPECIFICATIONS

REQUIRED BID PROPOSAL GUARANTY: Not less than 5% of the total bid.

(Check guaranty submitted: Cashier's Check Certified Check Bid Bond)

BID BONDS WHEN SUBMITTED WILL BE RETAINED WITH THE PROPOSAL.
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BID..... PROPOSAL ISSUED TO: _____

SPECIMEN..... _____
Address City State Zip

PART I

SCOPE OF WORK

1. Project Detail
 - a. See Road and/or Bridge Plans
 - b. Special Notes Applicable to Project Attached
 - c. Supplemental Specifications Attached
 - d. Special Note for Utility Clearance Attached
 - e. Department of the Army Corps of Engineers Nationwide Permit Authorization Attached

SPECIAL NOTES APPLICABLE TO PROJECT

2000 SPECIFICATIONS & 2003 STANDARD DRAWINGS

Any reference in the plans or proposal to the *Standard Specifications for Road and Bridge Construction, Edition of 1998*, and *Standard Drawings, Edition of 2000* are superseded by *Standard Specifications for Road and Bridge Construction, Edition of 2000* and *Standard Drawings, Edition of 2003*.

2001 SUPPLEMENTAL SPECIFICATIONS

The *2001 Supplemental Specifications* to the 2000 Standard Specifications for Road and Bridge Construction shall apply to this project.

PROPOSAL ADDENDA

All Addenda to this proposal must be incorporated into the proposal when the bid is submitted to the Kentucky Department of Highways. Failure to use the correct and most recent bid sheet(s) may result in the bid being rejected.

BID SUBMITTAL

Bidder must use the Department's Highway Bid Program available on the internet web site of the Department of Highways, division of Contract Procurement. (www.kytc.state.us/contract)

The Bidder must download the bid items created from the web site to prepare a bid proposal for submission to the Department. The bidder must insert the completed bid item sheets printed from the Program into the bidder's proposal and submit with the disk created by said program.

JOINT VENTURE BIDDING

Joint Venture bidding is permissible. However, both companies **MUST** purchase a bidding proposal. Either proposal may be submitted but must contain the company names and signatures of both parties where required. A joint bid bond of 5% may be submitted for both companies or each company may submit a separate bond of 5%.

UNDERGROUND FACILITY DAMAGE PROTECTION

The contractor is advised that the Underground Facility Damage Protection Act of 1994, became law January 1, 1995. It is the contractor's responsibility to determine the impact of the act regarding this project, and take all steps necessary to be in compliance with the provisions of the act.

ASPHALT BASE PRICE

The Asphalt Base Price shall be \$170.00 (english) as applicable in Section 109.07 of the *2000 Standard Specifications*.

OPTION B

The Contractor is advised that the compaction of asphalt mixtures furnished to this project will be accepted by **OPTION B** in accordance with Section 402 and Section 403 of the *2000 Standard Specification*.

SPECIAL NOTES APPLICABLE TO PROJECT (CONTINUED)

In order for the Cabinet to maximize the use of its resources more efficiently, the contractor shall, prior to issuance of notice to begin work, submit an anticipated earnings schedule broken down by quarter for the expected life of the contract for any project with a bid over \$10,000,000. The contractor will be provided a spreadsheet to expedite the preparation of this schedule upon award of the contract. No direct payment will be allowed for the preparation and submittal of this schedule.

In the event the Engineer determines that there are inadequate or insufficient road funds available under the contract for the payment of Engineer's estimates for work on the project as they come due, the Engineer may suspend payment for all or a part of the contract. If payment is suspended, the contractor may have the option, with the written agreement of the Engineer, of continuing performance under the contract. If the contractor suspends performance, he shall not resume performance until he receives a back to work notice from the Engineer. In the event that the Engineer suspends payment for all or part of the project as provided herein, the contractor waives any and all right to bring any claim for damages as a result of the suspension or delayed payment.

In the event the Engineer determines that there are inadequate or insufficient road funds available for the payment of Engineer's estimates for work on the project as they come due, the Engineer may at his discretion, by written notice 10 days in advance, terminate all or part of the contract. The Cabinet will remain obligated to pay, as soon as funds are available, all actual items of work performed prior to the contractor's receipt of the notice termination. The contractor shall be entitled to reasonable close out costs attendant to termination of the contract under this provision, but in no event shall the contractor be entitled to more than 10% of the total contract price.

The contractor agrees to all terms and conditions stated above in the event there are inadequate or insufficient funds available under the contract for payment, and contractor further expressly waives any right to assert a claim or bring any form of action against the Cabinet under the contract or pursuant to Kentucky law or regulation, including but not limited to KRS Chapter 45A or KRS Chapter 13B.

To the fullest extent permitted by law, the Contractor shall indemnify and hold harmless the Transportation Cabinet from and against claims, damages, losses, and expenses, including but not limited to attorney's fees, arising out of or resulting from suspension or termination under this section. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person under the contract.

In the event of any inconsistent provisions within this contract with respect to this section and any other section, the provisions of this section shall govern and control.

**Supplemental Specifications to The Standard Specifications
for Road and Bridge Construction, 2000 Edition
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SUBSECTION:	102.07.01 General.
REVISION:	Replace the first sentence with the following: Submit the Bid Proposal on the forms furnished by the Department including the Highway Bid Program bid item sheets and disk created from the Department's internet web site.
SUBSECTION:	102.07.02 Computer Bidding.
REVISION:	Replace the subsection with the following: Subsequent to ordering a Bid Proposal for a specific project, use the Department's Highway Bid Program on the internet web site of the Department of Highways, Division of Contract Procurement. Download the bid item quantities from the Department's web site to prepare a Bid Proposal for submission to the Department. Insert the completed bid item sheets printed from the Highway Bid Program into the Proposal and submit along with the disk created by said program. In case of a dispute, the Bid Proposal and bid item sheets created by the Highway Bid Program take precedence over any bid submittal. Furthermore the Department takes no responsibility for loss, damage of disks or the compatibility with the bidder's computer equipment or software.
SUBSECTION:	102.08 IRREGULAR BID PROPOSALS.
REVISION:	Add the following to the first set of items: 4) Fails to submit a disk created from the Highway Bid Program
SUBSECTION:	102.08 IRREGULAR BID PROPOSALS.
REVISION:	Replace 1) of the second set of items with the following: 1) when the Bid Proposal is on a form other than that furnished by the Department or printed from other than the Highway Bid Program , or when the form is altered or any part is detached.
SUBSECTION:	103.05 REQUIREMENT OF CONTRACT BOND.
REVISION:	Replace the first sentence of the first paragraph with the following: To be acceptable to the Department, the surety must have a minimum A. M. Best rating of an "A-", be listed on the U.S. Treasury Listing of approved sureties for an amount equal to or greater than the amount of the bond and be an admitted carrier in the Commonwealth of Kentucky. Replace the last sentence of the first paragraph with the following: If at any time during the performance of the Contract the surety company falls below the minimum acceptable requirements, the Contractor shall file a new bond in an amount established by the Commissioner, or his designee, within 14 calendar days of such failure to meet the minimum requirements. Add the following to the end of the subsection: The Department reserves the right to copy the surety on all of its communications with the Contractor concerning the Contractor's performance, or performance deficiencies, on the project and further reserves the right to communicate directly with the surety to inform them of the Contractor's performance, or performance deficiencies, on the bonded project.
SUBSECTION:	108.02 PRECONSTRUCTION CONFERENCE.
REVISION:	Add the following to the first paragraph: Include a plan for updating the schedule. As a minimum, the schedule must be updated whenever a situation arises or event occurs that significantly affects the progress of the work or when the Engineer directs.
SUBSECTION:	109.04.02 Cost-Plus Work.
PART:	F) Overhead.
REVISION:	Add the following new part: F) Overhead. The Department will pay for overhead cost associated with administering the work, not to exceed 5 percent, when the work is done by a Subcontractor.

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SUBSECTION:	112.02.05 Temporary Pavement Markings.
PART:	C) Temporary Striping.
NUMBER:	2) Paint.
REVISION:	Replace with the following: 2) Paint. Conform to Section 842
SUBSECTION:	112.02.05 Temporary Pavement Markings.
PART:	C) Temporary Striping.
NUMBER:	3) Drop on Beads.
REVISION:	Replace with the following: 3) Drop on Beads. Conform to Section 839
SUBSECTION:	112.03.01 General Traffic Control.
PART:	G) Signs.
REVISION:	Replace the first sentence with the following: Completely cover all lettering and symbols on existing, permanent, and temporary signs which do not properly apply to the current traffic phasing, and maintain the covering until the signs are applicable or are removed.
SUBSECTION:	112.03.01 General Traffic Control.
PART:	I) Temporary Traffic Signals.
REVISION:	Replace the MUTCD reference "Section 4B" with "Chapter 4D"
SECTION:	201 STAKING. Delete the section and replace with the following: 201.01 DESCRIPTION. When listed as a bid item, furnish all personnel, equipment, stakes, and hubs necessary to construct the roadway and appurtenant structures to the grade and alignment specified in the Contract. When no bid item is listed, the Department will perform staking. 201.02 MATERIALS AND EQUIPMENT. Reserved. 201.03 CONSTRUCTION 201.03.01 Contractor Staking. Perform all necessary surveying under the general supervision of a Professional Engineer or licensed Land Surveyor. The Department's Engineer will perform the following: 1) Provide adequate referencing of control points to allow prompt re-establishment of the survey centerline, right of way, ramps, crossroads, and frontage roads during construction. 2) Set permanent or temporary bench marks as required. 3) Take any cross sections to verify the accuracy of the original ground information. 4) Take "check sections" to verify that construction is to grade and alignment as specified in the Contract. The Contractor will perform the following: 1) Re-establish the centerline and set such additional points as may be necessary for construction of the project. Verify the accuracy of the horizontal and vertical control as established by the Department's Engineer before beginning construction. 2) Establish clearing lines so that the project may be cleared without violating the limits of the right of way. 3) Set slope stakes right and left of the survey centerline at 50-foot to 100-foot intervals to guide the contractor in constructing the cuts and fills. These stakes are generally set to shoulder grade for fills and ditch grade for cuts. The cut or fill information, slope, and distance from centerline should be on the front face of the stake; the station number should be on the back of the stake. This stake should be guarded with a lath that has the station number written on the side facing the centerline.

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revision
continued

- 4) Grade Stakes (Bluetops). Fine grade control will be set to aid the Contractor in establishing the typical sub-grade section. When using conventional transit and chain methods this fine grade control will be established by setting hubs(referred to as blue tops) every 50 feet to the sub-grade section. These blue tops are set to the hundredth of a foot in elevation and are located left and right of pavement centerline, usually at the edge of metal. Bluetops will be set for the top of sub-grade and the top of aggregate base and/or drainage blanket material. Refer to Section 204.03.10 and Section 302.03.06 for construction tolerances of sub-grade and aggregate base or drainage blanket.
- 5) Stake all structures (bridges, culverts, pipe, and other appurtenances) so that they can be built to the proper line and grade as shown on the plans and to perform the function for which they were designed.

201.03.02 Department Staking. The Department's Engineer will set all stakes necessary for the construction of the roadway and appurtenant structures to the proper grade and alignment in accordance with the contract.

201.03.03 Electronic Surveying. The Department encourages the use of new and advanced technology in the construction of its roads and structures. However, the following restrictions apply:

- 1) Tolerances are unchanged. Refer to Section 204.03.10 and Section 302.03.06.
- 2) Sub-grade check sections are to be done every 500 feet in tangent sections and every 100 feet in curves using conventional survey methods to establish bluetops and to verify the correct operation of the electronic equipment.
- 3) The Contractor will submit his electronic data files to the Department's Engineer at the beginning of the project so that the Engineer can reference the data for verification of the field work.

201.04 MEASUREMENT.

201.04.01 Contractor Staking. When listed as a bid item, the Department will measure staking as lump sum. The Department will not measure surveying required to correct any errors or inaccuracies resulting from construction operations for payment.

201.04.02 Department Staking. The Department will not measure quantities for payment. When any stakes are disturbed due to unwarranted negligence of the Contractor, the Department will measure the work required to reset the stakes and deduct the cost from monies due the Contractor.

201.05 PAYMENT. The Department will make payment for the completed and accepted quantities under the following:

Code	Pay Item	Pay Unit
2726	Staking	Lump Sum

The Department will consider payment as full compensation for all work required under this section.

SUBSECTION: 204.03.08 Disposal of Wasted Materials.
REVISION: Add the following to the end of the second paragraph:

The Department will pay for the geotechnical investigation and analysis of the proposed waste area when one is requested by the Engineer. Ensure all work is performed by a pre-qualified geotechnical consultant and according to the Department's Geotechnical Manual.

SUBSECTION: 206.04.01 Embankment-in-Place.
REVISION: Add the following:

The Department may make adjustments to embankment-in-place projects when there is actually unanticipated waste on the project. Waste generated by the project phasing will not be considered for adjustment. The Department will make an adjustment for the actual costs incurred by the Contractor.

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<p>SUBSECTION: 208.03.03 Application of Chemical. PART: B) Lime. NUMBER: 3) REVISION: Replace the second sentence with the following:</p>	<p>Use only when saturated soil conditions exist and the slurry method would worsen the situation or when weather conditions prohibit the use of slurry.</p>
<p>SUBSECTION: 208.03.06 Curing and Protection. REVISION: Replace the first sentence of the fourth paragraph with the following:</p>	<p>Do not allow any traffic or equipment on the finished surface until 7 days above 40 °F curing is completed or the roadbed cores achieve a minimum strength requirement of 75 psi.</p>
<p>SUBSECTION: 208.04.02 Lime. REVISION: Add the following to the end of the second paragraph:</p>	<p>When hydrate or quicklime is furnished for dry application, the Department will measure the actual quantity applied to the roadbed.</p>
<p>SUBSECTION: 212.03.03 Permanent Seeding and Protection. PART: A) Seed Mixtures for Permanent Seeding. REVISION: Replace with the following:</p>	<p>A) Seed Mixture for Permanent Seeding. Use seed Mixture No. I, No. III, or as the Contract specifies.</p> <p>Mixture No. I:</p> <p>75% Kentucky 31 Fescue (<i>Festuca arundinacea</i>) 10% Red Top (<i>Agrostis alba</i>) 5% White Dutch Clover (<i>Trifolium repens</i>) 10% Rygrass, perennial (<i>Lolium perenne</i>)</p> <p>Mixture No. III:</p> <p>30% Kentucky 31 Fescue (<i>Festuca arundinacea</i>) 15% Red Top (<i>Agrostis alba</i>) 15% Partridge Pea (<i>Cassia fasciculata</i>) 20% Sericea Lespedeza 10% Sweet Clover – Yellow (<i>Melilotus officinalis</i>) 10% Rygrass, perennial (<i>Lolium perenne</i>)</p>
<p>SUBSECTION: 212.03.03 Permanent Seeding and Protection. PART: C) Crown Vetch. REVISION: Replace the first sentence with the following:</p>	<p>Sow crown vetch seed on all areas having a slope 3:1 or steeper and consisting of soil or mixtures of broken rock and soil.</p>
<p>SUBSECTION: 212.03.03 Permanent Seeding and Protection. PART: E) Erosion Control Blanket. REVISION: Replace the first sentence with the following:</p>	<p>Install erosion control blankets in ditches, except those to be paved or rock lined, to a flow depth of 1.5 feet.</p>
<p>SUBSECTION: 213.03.02 Progress Requirements. REVISION: Replace the word “may” with “will” in the second sentence of the third paragraph.</p>	
<p>SUBSECTION: 213.03.02 Progress Requirements. REVISION: Replace the third sentence of the third paragraph with the following:</p>	<p>Additionally, the Department will apply a penalty equal to the liquidated damages when all aspects of the work are not coordinated in an acceptable manner within 5 days after written notification.</p>

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SUBSECTION:	214.04 MEASUREMENT.
REVISION:	Replace the second sentence with the following: The Department will not measure fabric when the Contract indicates the fabric is incidental to the work or when the specification for another item requires incidental installation of geotextile fabric.
SUBSECTION:	302.02 MATERIALS.
REVISION:	Add the following: 302.02.03 Mixer. Equip the mixer with a water flow system with a positive cut-off control that will stop the flow of water simultaneously with any stoppage in the flow of aggregate and with valves or other devices that can be easily reset when a change in the rate of flow is desired.
SUBSECTION:	401.02.01 All Asphalt Mixing Plants.
PART:	A)
REVISION:	Replace the first sentence of the second paragraph with the following: Provide a laboratory inspected and qualified according to the Department's Quality Assurance Program for Materials Testing and Acceptance and conforming to the following minimum requirements:
SUBSECTION:	401.02.01 All Asphalt Mixing Plants.
PART:	A)
REVISION:	Replace the fourth paragraph with the following: In addition to the equipment required to perform testing according to the AASHTO standards and Kentucky Methods (KM), equip each laboratory with the following minimum furnishings and equipment, conforming to the applicable specifications, as required for the type of construction specified in the Contract: 1) one workbench, at least 2.5 feet wide by 6 feet long; 2) one desk or table and 2 chairs; 3) a fire extinguisher located near the door; and 4) a first aid kit.
SUBSECTION:	401.02.01 All Asphalt Mixing Plants.
PART:	Between Items "H" and "I"
REVISION:	Insert the following new item: Recordation. Provide an automatic graphic or digital record of the production quantities according to AASHTO M156.
SUBSECTION:	401.02.01 All Asphalt Mixing Plants.
PART:	I) Thermometers.
REVISION:	Delete the third paragraph.
SUBSECTION:	401.02.04 Special Requirements for Continuous Plants.
PART:	B) Weight Calibration of Asphalt Binder and Aggregate Feed.
REVISION:	Add the following new paragraph: When equipped with aggregate weighing devices (belt scales), calibrate each cold feeder, along with the aggregate weighing devices, according to Subsection 401.02.05 A) and B).
SUBSECTION:	402.03.01 Responsibilities.
PART:	B) Setup.
REVISION:	Replace (MSG) with (G_{mm})
SUBSECTION:	402.03.01 Responsibilities.
REVISION:	Add the following: C) Process Control. After the setup period, perform the process control operations of KM 64-426.

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<p>SUBSECTION: 402.03.02 Acceptance. PART: A) General. REVISION: Add the following:</p>	<p>Document and report all acceptance tests on the Asphalt Mixtures Acceptance Workbook (AMAW). Submit the completed AMAW for each lot to the Department within 5 working days after the completion of the lot.</p>
<p>SUBSECTION: 402.03.02 Acceptance. PART: C) Setup. REVISION: Add the following after the second sentence:</p>	<p>For mixtures with a total-project quantity between 500 and 1,000 tons, perform a minimum of one process control test for AC, AV, and VMA, and report the results to the Engineer.</p> <p>Add the following after the seventh sentence:</p> <p>Ensure the adjusted AC remains above the minimums specified in Subsection 403.03.03 C) 2).</p>
<p>SUBSECTION: 402.03.03 Verification. REVISION: Replace the first two sentences with the following:</p>	<p>For volumetric properties, the Department will perform a minimum of one verification test for AC, AV, and VMA for each lot according to the corresponding procedures as given in Subsection 402.03.02. For specialty mixtures, the Department will perform one AC and one gradation determination per lot according to the corresponding procedures as given in Subsection 402.03.02. However, Department personnel will not perform AC determinations according to KM 64-405.</p>
<p>SUBSECTION: 402.05.02 Asphalt Mixtures and Mixtures with RAP. PART: D) Conventional and RAP Mixtures Placed Monolithically as Asphalt Pavement Wedge. REVISION: Replace with the following:</p>	<p>The Department will pay as mainline mixture but use a 1.00 pay value for all properties.</p>
<p>SUBSECTION: 402.05.01 Specialty Mixtures. REVISION: Add "asphalt mixtures for temporary applications" to the list of defined specialty mixtures.</p>	
<p>SUBSECTION: 403.02.05 Release Agent. REVISION: Replace with the following:</p>	<p>Provide materials conforming to KM 64-422.</p>
<p>SUBSECTION: 403.02.06 Transport Equipment. REVISION: Add the following after the first sentence:</p>	<p>Do not load trucks that are contaminated with an unapproved release agent. When such contamination is identified after loading, reject the load. In either case, remove the truck and respective driver from the project for the duration of the project.</p>
<p>SUBSECTION: 403.02.09 Small Tools and Portable Equipment. REVISION: Add the following at the end of the first paragraph:</p>	<p>Do not use an unapproved release agent on any small tools or equipment incidental to the paving operation.</p>
<p>SUBSECTION: 403.03.01 Seasonal and Weather Limitations. REVISION: Replace "November 15" with "November 30" throughout the Subsection.</p>	
<p>SUBSECTION: 403.03.02 Preparation of Base. REVISION: Replace the first sentence of the eighth paragraph with the following:</p>	<p>Remove existing Type V markers. Fill the recess and any additional damaged area with compacted asphalt mixture within 24 hours of removal.</p>

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SUBSECTION: 403.03.03 Preparation of Mixture.

PART: A) Mixture Composition.

REVISION: Replace Part A) with the following:

- A) Mixture Composition. Provide the appropriate mixture composition for the specified asphalt mixture, or substitute a higher aggregate type. When substituting a mixture of a higher ESAL class, provide a mixture of no more than one ESAL class higher than the specified asphalt mixture. Conform to the gradation requirements (control points) of AASHTO MP2 for the Superpave mixture. Unless the Engineer authorizes otherwise in writing, use the same type and source of ingredient aggregates and asphalt binder throughout the entire project for each type of mixture. For asphalt surface courses containing 100 percent polish-resistant coarse aggregate, limit the portion of non-polish-resistant fine aggregate retained on a No. 4 sieve to 5 percent of the total combined aggregates.

When using a porous aggregate, increase the asphalt binder content (AC) as needed for asphalt binder absorption by the aggregate.

The following aggregate requirements are listed in order of the highest, Type A, to the lowest, Type D:

- 1) Type A. Provide 100 percent of the coarse aggregate Class A sources. Ensure that 20 percent of the total combined aggregate is Class A polish-resistant fine aggregate.
- 2) Type B. Select either of the 2 following options:
 - a) Provide 100 percent of the coarse aggregate from Class B sources.
 - b) Provide a combined aggregate, retained on the No. 4 sieve, that is a minimum of 50 percent from any Class A polish-resistant aggregate source except those identified as "Not Permitted as the polish-resistant portion of Class B blends." Submit all Class B blends to the Department for review.

For Option a) or b) above, ensure one of the following:

- 20 percent or more of the total combined aggregate is Class A polish resistant fine aggregate.
- 30 percent or more of the total combined aggregate is Class B polish resistant fine aggregate.
- 30 percent or more of the total combined aggregate is a combination of Class A and Class B polish resistant fine aggregate.

- 3) Type C. Ensure that 40 percent or more of the total combined aggregate is polish-resistant; Class A coarse, fine, or combination.
- 4) Type D. No restriction on aggregate type.

SUBSECTION: 403.03.03 Preparation of Mixture.

PART: B) Moisture Content of Mix

REVISION: Replace the third sentence with the following:

When moisture contents are 0.10 percent or greater, adjust the AC determination made on plant-produced mixture to reflect the actual AC as KM 64-434 directs.

SUBSECTION: 403.03.03 Preparation of Mixture.

PART: C) Mix Design Criteria.

REVISION: Add the following after the first sentence:

The Department will allow ESAL Class 1 mixtures to pass through the restricted zone.

Replace the second sentence with the following:

Conform to the gradation requirements (control points) of AASHTO MP2 for the Superpave mixture type the Contract specifies.

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SUBSECTION: 403.03.03 Preparation of Mixture.
PART: C) Mix Design Criteria.
NUMBER: 1)
REVISION: Replace the first sentence with the following:

Submit a preliminary mix design, completed using a Superpave gyratory compactor (SGC) conforming to AASHTO PP 35.

Add the following after the second sentence:

The Department will require a dust-to-binder range of 0.8 to 1.6.

SUBSECTION: 403.03.03 Preparation of Mixture.
PART: C) Mix Design Criteria.
NUMBER: 2) Selection of Optimum AC.
REVISION: Add the following:

Ensure the optimum AC is a minimum of 5.0 percent by weight of the total mixture for all 0.5-inch nominal surface mixtures and 5.3 percent by weight of the total mixture for all 0.38-inch nominal surface mixtures.

SUBSECTION: 403.03.06 Thickness Tolerance.
TABLE: Nominal Maximum Size of Mixture vs. Thickness Range
REVISION: Delete

SUBSECTION: 403.03.08 Rumble Strips.
REVISION: Replace with the following:

A) Interstates and Parkways. Construct sawed rumble strips on all mainline and ramp shoulders to the dimensions shown below.

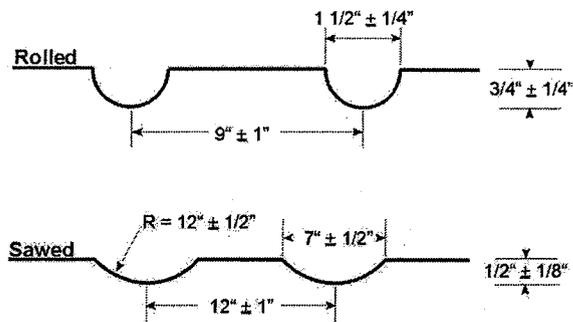
B) Other Roads. When using a surface mixture instead of Asphalt Mixture for Pavement Wedge, or when the Engineer deems it appropriate to pave the driving lanes and the adjacent shoulder monolithically, provide rolled rumble strips. Construct strips on all main line shoulders to the dimensions shown below. When furnishing Asphalt Mixture for Pavement Wedge, binder, or a base mixture for shoulders, the Department will not require rumble strips.

Time the rolling operation so indentations are at the specified size and depth without causing unacceptable displacement of the asphalt mat. Correct unacceptable rolled-in rumble strips by sawing.

On shoulders less than 3 feet, shorten the length and distance of the strips as the Engineer directs.

If preferred, construct the rumble strips by sawing as specified for Interstates and Parkways.

RUMBLE STRIP DIMENSIONS



Distance from the edge of the mainline pavement to the end of the strip: 1 foot
 Length of strips: Rolled 2 feet, Sawed 16 inches

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SUBSECTION:	403.03.09 Leveling and Wedging, and Scratch Course.
PART:	A) Leveling and Wedging.
REVISION:	Replace the first sentence with the following: Conform to the gradation requirements (control points) for base, binder, or surface as applicable.
SUBSECTION:	403.03.09 Leveling and Wedging, and Scratch Course.
PART:	B) Scratch Course.
REVISION:	Replace the second sentence with the following: Conform to the gradation requirements (control points) for base, binder, or surface as the Engineer directs.
SUBSECTION:	403.04.03 Asphalt Mixtures.
REVISION:	Add the following: The Department will not measure rumble strips for payment and will consider them incidental to this bid item.
SECTION:	404 OPEN-GRADED FRICTION COURSE
TABLE:	LOT PAY ADJUSTMENT SCHEDULE FOR SPECIALTY MIXTURES
REVISION:	Replace the table with the following table:

LOT PAY ADJUSTMENT SCHEDULE FOR SPECIALTY MIXTURES (TEST DEVIATION FROM JMF)		
	Pay Value	Deviation From JMF (%)
Asphalt Binder Content	1.00	0.0-0.5
	0.98	0.6
	0.95	---
	0.90	0.7
	0.85	0.8
	0.75	≥ 0.9
1 1/2 inch Sieve	1.00	0-13
	0.98	14
	0.95	15-16
	0.90	17-20
	0.85	21-23
	0.75	≥ 24
1 inch, 3/4 inch, and 1/2 inch Sieves	1.00	0-9
	0.98	10
	0.95	11-12
	0.90	13-14
	0.85	15-16
	0.75	≥ 17
3/8 inch, No. 4, No. 8, No. 16, and No. 30 Sieves	1.00	0-8
	0.98	9
	0.95	10
	0.90	11-12
	0.85	13-14
	0.75	≥ 15
No. 50 Sieve	1.00	0-6
	0.98	7
	0.95	8
	0.90	9
	0.85	10
	0.75	≥ 11
No. 100 Sieve	1.00	0-3
	0.98	---
	0.95	4
	0.90	5
	0.85	---
	0.75	≥ 6
No. 200 Sieve	1.00	0.0-2.0
	0.98	2.5
	0.95	3.0
	0.90	---
	0.85	3.5
	0.75	≥ 4.0
Fineness Modulus	1.00	0.0-0.30
	0.98	0.31-0.34
	0.95	0.35-0.39
	0.90	0.40-0.46
	0.85	0.47-0.55
	0.75	≥ 0.56

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SUBSECTION:	406.02.01 Tack Coat.																					
REVISION:	Replace with the following: Furnish any of the following asphalt materials conforming to 806: SS-1, SS-1h, or RS-1.																					
SUBSECTION:	406.02.03 Curing Seal.																					
REVISION:	Replace with the following: Furnish any of the following asphalt materials conforming to 806: RS-1, RS-2, SS-1, SS-1h, or Primer L.																					
SUBSECTION:	406.03.03 Application.																					
REVISION:	Replace the temperature table with the following: Primer L 60-120 °F SS-1, SS-1h 70-160 °F RS-1, RS-2 70-140 °F																					
SUBSECTION:	406.03.03 Application.																					
PART:	B) Asphalt Tack Coat.																					
REVISION:	Replace the second paragraph with the following: When furnishing RS-1 for tack, apply it undiluted. Replace the first sentence of the third paragraph with the following: When furnishing SS-1 or SS-1h for tack, the Department will allow diluted or undiluted application provided uniform and complete coverage is achieved.																					
SUBSECTION:	407.02.02 Aggregate.																					
REVISION:	Change Sieve Size No. 30 to read Sieve Size No. 50.																					
SUBSECTION:	408.04.02 Mobilization for Asphalt Pavement Milling and Texturing.																					
REVISION:	Add the following: For group contracts, the Department will measure the quantity for each project (subsection) that has a bid item for Mobilization for Asphalt Pavement Milling and Texturing.																					
SUBSECTION:	409.02 MATERIALS AND EQUIPMENT.																					
REVISION:	Replace "KM 64-427" with the following: the guidelines in Subsection 409.03.02																					
SUBSECTION:	409.03.01 Restrictions.																					
REVISION:	Add the following sentence: When the mixture's bid item specifies PG 76-22, limit RAP content to 20 percent or less.																					
SUBSECTION:	409.03.02 Preparation of Mixture.																					
PART:	A) Mix Requirements.																					
REVISION:	Void the Revision and replace with the following: Conform to the Contract requirements for each mixture produced using RAP. If mixtures produced using RAP do not conform to the requirements for that mixture, complete the project using all virgin materials at no additional expense to the Department. Conform to the following table to select the appropriate grade of virgin asphalt binder to blend with the RAP:																					
<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="text-align: center;">Mixture's Bid Item</th> <th colspan="3" style="text-align: center;">Appropriate Virgin Asphalt Binder</th> </tr> <tr> <th style="text-align: center;">0-20% RAP</th> <th style="text-align: center;">21-30% RAP</th> <th style="text-align: center;">>30% RAP</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">PG 76-22</td> <td style="text-align: center;">PG 76-22</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> <tr> <td style="text-align: center;">PG 70-22</td> <td style="text-align: center;">PG 70-22</td> <td style="text-align: center;">PG 64-22</td> <td style="text-align: center;">*</td> </tr> <tr> <td style="text-align: center;">PG 64-22</td> <td style="text-align: center;">PG 64-22</td> <td style="text-align: center;">PG 64-22</td> <td style="text-align: center;">*</td> </tr> </tbody> </table>				Mixture's Bid Item	Appropriate Virgin Asphalt Binder			0-20% RAP	21-30% RAP	>30% RAP	PG 76-22	PG 76-22	-	-	PG 70-22	PG 70-22	PG 64-22	*	PG 64-22	PG 64-22	PG 64-22	*
Mixture's Bid Item	Appropriate Virgin Asphalt Binder																					
	0-20% RAP	21-30% RAP	>30% RAP																			
PG 76-22	PG 76-22	-	-																			
PG 70-22	PG 70-22	PG 64-22	*																			
PG 64-22	PG 64-22	PG 64-22	*																			
* Select according to KM 64-427																						

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SUBSECTION: 410.05 PAYMENT.
REVISION: Replace the RIDE QUALITY ADJUSTMENT SCHEDULE with the following 2 schedules:

**RIDE QUALITY ADJUSTMENT SCHEDULE
FOR ROADS POSTED GREATER THAN 45 MPH**

IRI	Pay Value ⁽¹⁾
36 or Less	+0.15
37 to 46	= 0.015 x (47 - IRI)
47 to 66	0.00
67 to 76	= 0.015 x (67 - IRI)
77 or higher	Corrective work or replacement required

**RIDE QUALITY ADJUSTMENT SCHEDULE
FOR ROADS POSTED 45 MPH OR LESS**

Rideability Index	Pay Value ⁽¹⁾
36 or Less	+0.15
37 to 46	= 0.015 x (47 - IRI)
47 to 85	0.00
86 or lower	Corrective work or replacement required

⁽¹⁾ The Department will not apply a positive pay value for corrective work other than removal and replacement to achieve the IRI.

SUBSECTION: 501.03.13 Finishing.
PART: H) Texturing.
REVISION: Replace the third paragraph with the following:

Form transverse grooves in the concrete with a width between 0.09 inch and 0.13 inch and a depth between 0.12 inch and 0.19 inch. Space the grooves at random intervals between 0.4 inch to 1.5 inches with no more than 50 percent of the spacing being one inch or greater.

SUBSECTION: 502.03 CONSTRUCTION.
PART: D) Strength Testing and Opening to Traffic.
NUMBER: 1) Cylinders.
REVISION: Replace the first sentence with the following:

The Department will cast, cure, and test 3 sets from each 150 cubic yards of concrete.

SUBSECTION: 506.03.01 Header Curb, Valley Gutter, and Curb and Gutter (Combination).
REVISION: In the second sentence of the third paragraph replace the Subsection reference 601.03.12 with 501.02.10.
In the second sentence of the sixth paragraph replace the Subsection reference 601.03.16 with 501.03.17 D).

SUBSECTION: 508.03.03 Precast Construction.
REVISION: Replace "Subsection 605.03" in the first sentence with Section 605.

SUBSECTION: 509.03 CONSTRUCTION.
REVISION: Replace "Subsection 605.03" in the first sentence with Section 605.

SUBSECTION: 601.02.13 Forms.
PART: F) Stay-In-Place Metal Forms.
NUMBER: 1) Forms and Supports.
REVISION: Replace ASTM A 446 with ASTM A 653.
Replace ASTM A 525 with ASTM A 924.

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<p>SUBSECTION: 601.03.03 Proportioning and Requirements. PART: A) Concrete. TABLE: INGREDIENT PROPORTIONS AND REQUIREMENTS FOR VARIOUS CLASSES OF CONCRETE REVISION: Add the following foot note to AA Slump:</p>	<p><i>The Department may allow the slump of AA concrete to be increased up to a 6 inch maximum, provided the w/c ratio does not exceed 0.40 and a high range water reducer (Type F or G) is used. Trial Batches will be required if producer has not previously supplied.</i></p>
<p>SUBSECTION: 601.03.03 Proportioning and Requirements. PART: A) Concrete. TABLE: INGREDIENT PROPORTIONS AND REQUIREMENTS FOR VARIOUS CLASSES OF CONCRETE REVISION: Replace note 11 with the following:</p>	<p><i>Compressive Strength Testing, Opening to Traffic and Acceptance Requirements for Class M1 and Class M2. Test one set of cylinders at 24 ± 0.5 hours from the time of molding, and allow the resulting average strength to dictate one of the following actions:</i></p> <ul style="list-style-type: none"> <i>(a) If the average compressive strength is 3,500 psi or above, open to traffic, and test the remaining set of cylinders at an age of 7 days or 28 days.</i> <i>(b) If the average compressive strength is between 3,000 and 3,500 psi, open to traffic, and test the remaining set of cylinders at 48 ± one hour.</i> <i>(c) If the average compressive strength is less than 3,000 psi, protect the item as directed or approved. Test the remaining set of cylinders at 48 ± one hour.</i> <p><i>If the average strength of the cylinders tested at 48 ± one hour is 3,500 psi or above, the Engineer will consider the concrete acceptable. If the average strength is below 3,500 psi, take 2 cores from the concrete and test at an age of 7 days. If the average strength of the cores tested at 7 days is 4,000 psi, the Engineer will consider the concrete acceptable.</i></p> <p><i>When 2 consecutive first sets of cylinders or when 2 first sets out of any 4 first sets of cylinders do not reach 3,500 psi, compressive strength, the Engineer will suspend the work. Resume work when the Engineer approves the adjusted mix design.</i></p> <p><i>Cast 2 sets of cylinders from the concrete used for each placement.</i></p> <p><i>Cast the cylinders after tests verify that the concrete conforms to slump and air content requirements. Make and cure the cylinders according to the procedures outlined in KM 64-305. Department personnel will test the mixture and cast cylinders.</i></p>
<p>SUBSECTION: 601.03.03 Proportioning and Requirements. PART: C) Mixtures Using Type IP, IS and I(SM) Cement or Mineral Admixtures. NUMBER: 2) Mineral Admixtures. REVISION: Add the following after the first sentence:</p>	<p><i>Reduction of the total cement content by a combination of any mineral admixtures will be allowed, up to a maximum of 30 percent.</i></p>
<p>SUBSECTION: 601.03.03 Proportioning and Requirements. PART: C) Mixtures Using Type IP Cement or Mineral Admixtures. NUMBER: 2) Mineral Admixtures. LETTER: b) Ground Granulated Blast Furnace Slag (GGBF Slag). REVISION: Replace the first sentence with the following:</p>	<p><i>When added as a separate ingredient, use Grade 120 GGBF or 100 GGBF slag to reduce the quantity of cement, except do not use GGBF slag to reduce the quantity of Type IS or I(SM) cement.</i></p>
<p>SUBSECTION: 601.03.04 Classes and Primary Uses. PART: P) Non-Shrink Grout. REVISION: Replace with the following:</p>	<p><i>Bonding and sealing for post-tensioning, tie-back rods and bolts, and box beams.</i></p>

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<p>SUBSECTION: 601.03.09 Placing Concrete. PART: A) General. REVISION: Add the following to the fifth paragraph:</p>	<p>When pumping, equip the delivery pipe with a nozzle, having a minimum of 2 right angles, at the discharge end.</p>
<p>SUBSECTION: 601.03.09 Placing Concrete. PART: D) Weather Limitations. REVISION: Replace the first sentence of the second paragraph with the following:</p>	<p>Maintain the temperature of the mixture at or below 90 °F during placement. Unless the Engineer determines that safety concerns or other considerations prohibit a shutdown, cease concrete production when the mixture exceeds 90 °F until adequate methods are in place to reduce or maintain the mixture temperature.</p>
<p>SUBSECTION: 601.03.15 Opening to Traffic. TABLE: Required Time in Calendar Days Before Applying Significant Loads on Concrete Structures REVISION: Change the title of the seventh item to the following:</p>	<p>Caps on Concrete Pile Bents, Open Column Abutments, and Piers</p>
<p>SUBSECTION: 606.02 MATERIALS AND EQUIPMENT. REVISION: Add the following subsection:</p>	<p>606.02.11 Coarse Aggregate. Conform to Section 805, size 9-M.</p>
<p>SUBSECTION: 607.03.05 Bolted Connections Using High-Strength Steel Bolts. PART: B) Direct Tension Indicators. REVISION: Replace the first two sentences of the third paragraph with the following:</p>	<p>Under normal conditions, install the tension indicator under the non-turned element of the fastening system. Obtain the Engineer's permission before installing tension indicators under the turned element. If the Engineer determines that it is necessary to install the tension indicator under the turned element, install additional hardened washers according to the manufacturer's instructions.</p> <p>Add the following to the end of the fourth paragraph:</p> <p>The fastener assembly may also need to be replaced.</p>
<p>SUBSECTION: 607.03.08 Planing and Finishing. PART: B) Flame Cutting. REVISION: Replace the first sentence of the second paragraph with the following:</p>	<p>Remove roughness exceeding these values and occasional notches or gouges no more than 3/16 inch deep, on otherwise satisfactory surfaces, by machining or grinding.</p>

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<p>SUBSECTION: 607.03.23 Cleaning and Painting. PART: D) Preparation for Field Coatings. REVISION: Replace the second and third paragraphs with the following:</p>	<p>After erection, including all bolting and remedial work, prepare the shop applied zinc coating for field applied intermediate coating as follows. Remove all grease, oil or other lubricants from all surfaces to be painted including lubricant or residuals from the surfaces of all galvanized nuts, bolts and washers by solvent cleaning according to SSPC SP 1. When dry overspray from the shop applied zinc coating exists, remove by sanding. High pressure water wash all structural steel at 4,500 to 5,000 psi. using clean potable water. As needed, use a non-sudsing, bio-degradable detergent to remove all surface contaminants not removed by high pressure water washing. Rinse all areas where a detergent and/or solvent was applied by pressure washing with clean potable water. Blast clean all surfaces sustaining damage to the shop applied zinc coating to the pictorial standards described in subsection B. Apply a field coat of approved zinc rich coating to all areas not possessing an acceptable shop applied zinc coating. Completely remove all rust, scale and other foreign material before applying the intermediate coating.</p> <p>When application of the finish coat exceeds the recoat window of the intermediate coat, abrade the surface of the intermediate coat according to the coating manufacturer's recommendations before applying the finish coat.</p>
<p>SUBSECTION: 607.03.23 Cleaning and Painting. PART: E) Application of Field Coatings. REVISION: Replace the second paragraph with the following:</p>	<p>Apply paint only to clean and dry surfaces when the ambient air temperature is 40 °F or greater, the surface temperature of the steel members to be painted is at least 5 °F above the dew point, and the relative humidity is less than 90 percent. Do not apply paint to damp or frosted surfaces, nor during any period of rainfall.</p> <p>Replace the fifth paragraph with the following:</p> <p>Paint from the top of the structure toward the bottom, and proceed by sections, bays, or parts of the work, unless the Contract or Engineer directs otherwise.</p>
<p>SUBSECTION: 611.02.01 Concrete. REVISION: Replace the first sentence with the following:</p>	<p>Conform to ASTM C 1433.</p>
<p>SUBSECTION: 611.03.01 Transportation and Handling. REVISION: Replace the first sentence with the following:</p>	<p>Handle and store the precast units so that flexural stresses are not induced until the concrete age is 7 days or attains a compressive strength of 3,000 psi.</p>
<p>SUBSECTION: 611.03.02 Precast Unit Construction. REVISION: Add the following:</p>	<p>4) Contrary to ASTM C 1433 Section 10.3, assure the compressive strength of the cores tested are equal to or greater than the design strength.</p>
<p>SUBSECTION: 611.03.07 Joints. PART: A) Rubber Gaskets. REVISION: Replace the title with the following:</p>	<p>A) Butyl Rubber Sealant.</p>
<p>SUBSECTION: 611.03.07 Joints. PART: B) Flexible Plastic Gaskets. REVISION: Replace the title with the following:</p>	<p>B) Rubber Gaskets.</p>

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SUBSECTION:	613.05 PAYMENT.
REVISION:	Replace 8160 Structure Excavation with the following: 2203 Structure Excavation Unclassified
SUBSECTION:	614.02.01 Paint.
REVISION:	Add the following: Furnish a paint system in which all coats are produced by the same manufacturer and use the same system throughout the entire project.
SUBSECTION:	614.03.06 Paint Application.
REVISION:	Replace the first sentence of the fourth paragraph with the following: Paint from the top of the structure toward the bottom, and proceed by sections, bays, or parts of the work, unless the Contract or Engineer directs otherwise.
SUBSECTION:	701.02.03 Joint Materials.
PART:	D) Flexible Plastic Gaskets.
REVISION:	Replace with the following: D) Butyl Rubber Sealants. Conform to Section 807.
SUBSECTION:	701.02.04 Bedding Materials.
REVISION:	Replace the first sentence with the following: Use No. 8 aggregate, No. 9 aggregate, or a fine aggregate conforming to Subsection 804.08 for bedding material.
SUBSECTION:	701.02.04 Bedding Materials.
TABLE:	A1, A2, and A3 Characteristics
REVISION:	Under A3, replace "51 max" with "51 min"
SUBSECTION:	702.03.05 Joints.
PART:	A) Reinforced Concrete Pipe.
NUMBER:	2) Rubber Gaskets.
REVISION:	Replace with the following: In addition to the requirements of Subsection 701.02, use a pipe section conforming to AASHTO M 315. Use the gasket manufacturer's recommended cement and lubricant. Snugly fit the rubber gasket in the beveled surface of the tongue and groove ends of the sections to form a flexible seal under all conditions of service.
SUBSECTION:	701.03.05 Joints.
PART:	B) Corrugated Metal Pipe.
REVISION:	Void the Revision and replace with the following: Construct joints using a band with annular corrugations and a bolt, bar and strap connection. Use a minimum nominal band width of 12 inches for all pipe diameters 54 inches and smaller. Use a two-piece band with a minimum nominal width of 20 inches for all pipe diameters greater than 54 inches. Manufacture the band from the same base materials as the pipe. The pipe bands may be up to two gauges lighter than the pipe it is joining, with a minimum gauge thickness of 16. The Department may allow dimple band connections for field cut pipe. Install the connecting bands according to the manufacturer's written recommendations.
SUBSECTION:	703.02.09 Geotextile Fabric.
REVISION:	Replace Section reference 845 with 843.
SUBSECTION:	703.04.08 Geotextile Fabric.
REVISION:	Add the subsection: 703.04.08 Geotextile Fabric. The Department will measure the quantity according to Subsection 214.04.
SUBSECTION:	710.02 MATERIALS.
REVISION:	Add the following Subsection: 710.02.15 High Density Polyethylene (HDPE) Adjusting Rings. Conform to Section 846.

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<p>SUBSECTION: 710.03.01 Newly Constructed Small Drainage Structures. PART: A) General. REVISION: Replace the last sentence of the sixth paragraph with the following:</p>	<p>Use precast concrete, precast concrete pipe sections, cast-in-place, brick, or HDPE adjusting rings for adjustment of existing manholes according to the Standard Specifications.</p>
<p>SUBSECTION: 710.03.01 Newly Constructed Small Drainage Structures. PART: B) Precast Structures Except Manholes. REVISION: Replace the first two sentences with the following:</p>	<p>Only furnish products manufactured by a precast producer listed in the Department's List of Approved Materials. If the producer does not have an approved drawing for the product, submit 5 copies of shop drawings to the Engineer for review and approval.</p>
<p>SUBSECTION: 710.03.03 Adjusted Small Drainage Structures. REVISION: Add the following sentence to the end of the first paragraph:</p>	<p>For HDPE adjusting rings, install and seal according to the manufacturer's recommendations.</p>
<p>SUBSECTION: 712.03.02 Type V Markers. REVISION: Replace the first sentence of the first paragraph with the following:</p>	<p>Install Type V Markers in slots cut into the pavement according to the manufacturer's recommendations.</p> <p>Delete the last paragraph.</p>
<p>SUBSECTION: 713.02.02 Drop on Glass Beads. REVISION: Replace with the following:</p>	<p>Use beads that will ensure the pavement marking material will meet retroreflectivity requirements. The Department will evaluate the beads as part of the marking system through retroreflectivity readings.</p>
<p>SECTION: 713 PERMANENT PAVEMENT STRIPING. REVISION: Add the following subsection:</p>	<p>713.03.06 Acceptance of Non-Specification Markings. If weather conditions allow, perform corrective work to bring striping retroreflectivity into conformance. If corrective work has been performed and the work meets all requirements except for minimum retroreflectivity, the Department may accept the work according to Subsection 105.04. When the Engineer determines that the markings may be left in place, the Department will accept them at a reduction in the Contract unit bid price according to the Acceptance Pay Schedule. Additionally, the Engineer may remove the striping crew for the remainder of the project according to Subsection 108.06 Part A).</p> <p>The Engineer may also apply this section when corrective work cannot be performed due to weather.</p> <p>Acceptance Pay Schedule – White 156 to 174 mcd/lux/square meter – 50% pay 138 to 155 mcd/lux/square meter – 25% pay 120 to 137 mcd/lux/square meter – 0% pay < 120 mcd/lux/square meter – unacceptable</p> <p>Acceptance Pay Schedule – Yellow 126 to 149 mcd/lux/square meter – 50% pay 103 to 125 mcd/lux/square meter – 25% pay 80 to 102 mcd/lux/square meter – 0% pay < 80 mcd/lux/square meter – unacceptable</p>

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SUBSECTION:	713.03 CONSTRUCTION.
REVISION:	Replace the MUTCD references to "Part III" with "Part 3"
SUBSECTION:	714.02.03 Binder.
REVISION:	Replace the last sentence with the following: Submit the material and method of application to the Engineer and obtain written approval from the Engineer and the manufacturer of the pavement marking material before applying.
SUBSECTION:	714.02.04 Drop on Glass Beads.
REVISION:	Replace with the following: Use beads that will ensure the pavement marking material will meet retroreflectivity requirements. The Department will evaluate the beads as part of the marking system through retroreflectivity readings.
SUBSECTION:	714.03 CONSTRUCTION.
REVISION:	Replace the MUTCD references to "Part III" with "Part 3" and figure references to "3-11 and 3-12" with "3B-8 and 3B-9"
SUBSECTION:	714.03.01 Layout.
REVISION:	Replace the MUTCD reference to "Part III" with "Part 3"
SUBSECTION:	714.03.03 Application.
PART:	A) Type I Tape.
REVISION:	Add the following: When applied to concrete, cut the tape at all joints.
SUBSECTION:	714.03.04 Restrictions.
REVISION:	Replace the first paragraph with the following: Do not apply the pavement marking material when air and pavement temperatures are below 50 °F. Delete the third paragraph.
SUBSECTION:	714.03.06 Proving Period for Durable Markings.
PART:	A) Requirements.
NUMBER:	1) Type I Tape.
REVISION:	Add the following: Type I Tape is manufactured off site and warranted by the manufacturer to meet certain retroreflective requirements. As long as the material is adequately bonded to the surface and shows no sign of failure due to the other items listed in Subsection 714.03.06 A) 1), retroreflectivity readings will not be required. In the absence of readings, the Department will accept tape based on a nighttime visual observation.
SUBSECTION:	714.03.06 Proving Period for Durable Markings.
PART:	A) Requirements.
NUMBER:	2) Thermoplastic.
REVISION:	Replace the first sentence of the second paragraph with the following: The minimum retroreflectivity requirements at the end of the proving period, as measured with a LTL 2000, LTL 2000Y, or Department approved 30M geometry mobile instrument are as follows: Replace the first sentence of the third paragraph with the following: The Department will take these measurements between 150 and 210 days after the start of the proving period, basing acceptance on KM 202 for LTL 2000 readings and KM 203 for mobile readings.
SUBSECTION:	714.05 PAYMENT.
REVISION:	Replace with the following: The Department will make payment upon completion of the work. If after the proving period the markings do not meet minimum retroreflectivity requirements, the Department will adjust the payment or require corrective work according to the following:

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SUBSECTION:	717.02.04 Drop on Glass Beads.
REVISION:	Replace with the following: Use beads that will ensure the pavement marking material will meet retroreflectivity requirements. The Department will evaluate the beads as part of the marking system through retroreflectivity readings.
SECTION:	804.03 Concrete.
REVISION:	Replace the last sentence with the following: The Department will waive the requirements for gradation, sand equivalent, and uncompacted voids for concrete pipe.
SUBSECTION:	804.04.04 Requirements for Combined Aggregates.
PART:	B) Sand Equivalent.
REVISION:	Replace the third paragraph with the following: The Department may waive the sand equivalent requirement provided the portion of the combined aggregate passing the No. 40 sieve is non-plastic according to AASHTO T 90.
SUBSECTION:	804.04.04 Requirements for Combined Aggregates KM.
TABLE:	Superpave Fine Aggregate Consensus Property Requirements.
REVISION:	For ESAL Class 1, Replace both dashes with 40.
SUBSECTION:	805.03.01 Soundness and Shale.
PART:	AGGREGATE USE/Portland Cement Concrete Mixtures.
REVISION:	Replace the title use "Class AA, Class S and Bridge Deck Overlays" with "Aggregate for Bridge Decks, Bridge Deck Overlays, and Bridge Barrier Walls"
SECTION:	805 COARSE AGGREGATES.
TABLE:	Sizes of Coarse Aggregates.
REVISION:	Replace KM 64-420 in footnote (1) with KM 64-620.
SECTION:	805 COARSE AGGREGATES.
TABLE:	Aggregates Size Use.
REVISION:	For Cement Concrete Structures and Incidental Construction add 9-M for Overlays to the sizes to be used column.
SUBSECTION:	805.03.03 Gradation.
REVISION:	Replace the last sentence with the following: The Department will allow blending of same source/same type aggregate to achieve designated sizes when precise procedures are used such as cold feeds, belts, weigh hoppers, or equivalent.
SUBSECTION:	805.03.04 Erodible or Unstable Material.
REVISION:	Add the subsection: 805.03.04 Erodible or Unstable Material. Treat as applicable. The Department considers Size No. 57 or larger aggregate, except crushed or uncrushed gravel, non-erodible. The Department considers the following materials to be erodible or unstable: 1) Friable sandstone. The Engineer determines when sandstone is friable or non-friable. 2) Crushed or uncrushed gravel, any size. 3) Crushed coarse aggregate smaller than Size No. 57. 4) Any material with 50 percent or more passing the No. 4 sieve.
SUBSECTION:	805.04 CONCRETE.
REVISION:	Replace the second paragraph with the following: The Department will waive the requirements for gradation and finer than No. 200 for concrete pipe.
SUBSECTION:	805.10 GRANULAR EMBANKMENT.
REVISION:	Replace "2 1/2-inch" with "12-inch".
SUBSECTION:	805.10 GRANULAR EMBANKMENT.
PART:	1)
REVISION:	Replace with the following: 1) Engineer approved shot limestone or sandstone from roadway excavation, borrow excavation, or another approved source.

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SUBSECTION:	805.11 STRUCTURE GRANULAR BACKFILL.			
REVISION:	Replace with the following: Provide crushed or uncrushed aggregate meeting the quality requirements of this section. When the material includes a significant amount of individual fragments greater than 1 ½ inches, the Engineer may visually accept the minus No. 200 portion. Conform to the following gradation:			
	<u>Sieve Size</u>	<u>Percent Passing</u>		
	4 inch	100		
	No. 4	0-10		
	No. 200	0-5		
SUBSECTION:	805.13.03 Channel Lining, Class IA.			
REVISION:	Replace the first sentence with the following: Provide crushed stone meeting the general requirements of this section.			
SUBSECTION:	805.13.04 Channel Lining, Class II.			
REVISION:	Replace the first sentence with the following: Provide crushed stone meeting the general requirements of this section.			
SUBSECTION:	805.15 GRADATION ACCEPTANCE OF NON-SPECIFICATION COARSE AGGREGATE.			
TABLE:	GRADATION – COARSE AGGREGATES FOR UNDERDRAINS			
REVISION:	Replace “No. 200” sieve with “No. 100”.			
SUBSECTION:	810.03.04 Extra Protection			
REVISION:	Replace “mm” in the second sentence of the second paragraph with “inches”.			
SECTION:	810.03 REINFORCED CONCRETE PIPE.			
REVISION:	Add new subsection: 810.03.07 Concrete. Submit Concrete Mix Design to the Central Office Materials.			
SECTION:	812.01.01 Structural Steel, All Types.			
REVISION:	Replace second sentence with the following: When the supplementary requirement of this specification are specified, they exceed the requirements of ASTM A 36, A 514, A 572, A 588, and ASTM A 852.			
SUBSECTION:	812.01.01 Structural Steel, All Types.			
PART:	A) Structural Steel.			
REVISION:	Delete AASHTO M 183.			
SUBSECTION:	812.01.01 Structural Steel, All Types.			
PART:	B) High-Strength Low-Alloy Columbium-Vandium Steels of Structural Quality.			
REVISION:	Delete AASHTO M 223.			
SUBSECTION:	812.01.01 Structural Steel, All Types.			
PART:	C) High-Strength Low-Alloy Structural Steel with 345 Mpa Minimum Yield Point to 4 Inches Thick.			
REVISION:	Delete AASHTO M 222.			
SUBSECTION:	812.01.01 Structural Steel, All Types.			
PART:	E) High-Yield-Strength, Quenched and Tempered Alloy Steel Plate, Suitable for Welding.			
REVISION:	Delete AASHTO M 244.			
SECTION:	813.08.05 Aluminum Alloy Rolled or Extruded Shapes.			
REVISION:	Replace “T-4 AND T6” with “T6”.			
SUBSECTION:	813.09.02 High-Strength Steel Bolts, Nuts, and Washers.			
PART:	A) Bolts.			
REVISION:	HARDNESS NUMBER			
	Bolt Size	Brinell		Rockwell C
	(in)	Min	Max	Max
	½ - 1	253	319	34
SUBSECTION:	813.13 MATTRESSES AND GABIONS.			
REVISION:	Replace the first sentence of the first paragraph with the following: Conform to ASTM A 975, Style 1 or ASTM A 974, Style 1 or 2.			

**Supplemental Specifications to The Standard Specifications
for Road and Bridge Construction, 2000 Edition
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SUBSECTION:	814.04.01 Steel Guardrail Posts.																												
REVISION:	Replace AASHTO M 183 in the first sentence with ASTM A 36.																												
SUBSECTION:	814.05.02 Composite Plastic.																												
REVISION:	Add the following sentence to the first paragraph: Rubber is an acceptable alternate to plastic in their composition.																												
SUBSECTION:	814.06 MATERIALS FOR END TREATMENTS.																												
PART:	D) Steel Sheet (for rail plates and mounting brackets).																												
REVISION:	Replace 570, Grade D with the 1011, Type SS, Grade 36.																												
SUBSECTION:	816.02 GENERAL.																												
REVISION:	Replace ASTM D 2521 with ASTM A 239.																												
SUBSECTION:	816.02.02 Aluminum-Coated Steel.																												
REVISION:	Replace 0.01 with 0.099.																												
SUBSECTION:	819.01.01 Steel Plates.																												
REVISION:	Replace "Paragraph 14" in the second sentence of the second paragraph with "Table 6".																												
SUBSECTION:	821.03 SAMPLING AND TESTING.																												
REVISION:	In the third sentence of the first paragraph, replace calendar days with working days.																												
SUBSECTION:	827.04 PERMANENT SEED.																												
REVISION:	Replace with the following: Conform to the requirements outlined in the "Kentucky Seed Law and Provisions for Seed Certification in Kentucky" and the "Regulations under the Kentucky Seed Law", with following exceptions: <ol style="list-style-type: none"> 1. Obtain seed only through registered dealers that are permitted for labeling of seed. 2. Ensure all deliveries/shipments of premixed seed are accompanied with a master blend sheet. 3. The Department may sample the seed at the job site at any time. 4. Ensure all bags and containers have an acceptable seed tag attached. <p>Do not use seed (grasses, native grasses and legumes) if the weed seed is over 2%, total germination (including hard seed) is less than 60%, if the seed test date is over 9 months old exclusive of the month tested, or if the limits of noxious weed seed is exceeded.</p> <p>Ensure that noxious weed seeds contained in any seed or seed mixture does not exceed the maximum permitted rate of occurrence per pound.</p> <table border="0"> <thead> <tr> <th style="text-align: left;"><u>Name of Kind</u></th> <th style="text-align: right;"><u>Max. No. Seeds (per pound)*</u></th> </tr> </thead> <tbody> <tr> <td>Balloon Vine (<i>Cardiospermum Halicacabum</i>)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Purple Moonflower (<i>Ipomoea turbinata</i>)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Canada Thistle (<i>Cirsium Arvense</i>)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Johnsongrass (<i>Sorghum Halepense</i> and <i>Sorghum Almum</i> and perennial rhizomatous derivatives of these species)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Quackgrass (<i>Elytrigia Repens</i>)</td> <td style="text-align: right;">0</td> </tr> <tr> <td>Annual Bluegrass (<i>Poa Annua</i>)</td> <td style="text-align: right;">256</td> </tr> <tr> <td>Buckhorn Plantain (<i>Plantago lanceolata</i>)</td> <td style="text-align: right;">304</td> </tr> <tr> <td>Corncockle (<i>Agrostemma Githago</i>)</td> <td style="text-align: right;">192</td> </tr> <tr> <td>Dodder (<i>Cuscuta spp.</i>)</td> <td style="text-align: right;">192</td> </tr> <tr> <td>Giant Foxtail (<i>Setaria Faberii</i>)</td> <td style="text-align: right;">192</td> </tr> <tr> <td>Oxeye Daisy (<i>Chrysanthemum Ieucanthemum</i>)</td> <td style="text-align: right;">256</td> </tr> <tr> <td>Sorrel (<i>Rumex Acetosella</i>)</td> <td style="text-align: right;">256</td> </tr> <tr> <td>Wild Onion and Wild Garlic (<i>Allium spp.</i>)</td> <td style="text-align: right;">96</td> </tr> </tbody> </table> <p>* Seed or seed mixtures that contain in excess of 480 total noxious seeds per pound is prohibited Wildflower seed shall not be planted until approved by the MCL.</p>	<u>Name of Kind</u>	<u>Max. No. Seeds (per pound)*</u>	Balloon Vine (<i>Cardiospermum Halicacabum</i>)	0	Purple Moonflower (<i>Ipomoea turbinata</i>)	0	Canada Thistle (<i>Cirsium Arvense</i>)	0	Johnsongrass (<i>Sorghum Halepense</i> and <i>Sorghum Almum</i> and perennial rhizomatous derivatives of these species)	0	Quackgrass (<i>Elytrigia Repens</i>)	0	Annual Bluegrass (<i>Poa Annua</i>)	256	Buckhorn Plantain (<i>Plantago lanceolata</i>)	304	Corncockle (<i>Agrostemma Githago</i>)	192	Dodder (<i>Cuscuta spp.</i>)	192	Giant Foxtail (<i>Setaria Faberii</i>)	192	Oxeye Daisy (<i>Chrysanthemum Ieucanthemum</i>)	256	Sorrel (<i>Rumex Acetosella</i>)	256	Wild Onion and Wild Garlic (<i>Allium spp.</i>)	96
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SUBSECTION:	832.02 TYPE I POSTS.																												
REVISION:	Replace ASTM A 570 with ASTM A 1011.																												

**Supplemental Specifications to The Standard Specifications
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SECTION:	840 RAISED PAVEMENT MARKERS								
REVISION:	Replace the section with the following:								
	<p>840.01 TYPE IV MARKERS. Provide markers from the Department's List of Approved Materials. Type IV markers are replacement lenses for use in Type V marker castings.</p> <p>840.02 TYPE V MARKERS. Provide markers from the Department's List of Approved Materials. Type V markers consist of an iron casting with a Type IV marker (mono or bi-directional) attached.</p> <p>840.03 TYPE IVA MARKERS. Provide markers from the Department's List of Approved Materials. Type IVA markers are surface mounted lenses for temporary use in work zones.</p> <p>840.04 SAMPLING. Obtain a manufacturer's certification for each shipment. Include with each shipment of adhesive a written statement from the manufacturer certifying that it conforms to the recommendations of the marker manufacturer, and stating the minimum temperature the adhesive can be satisfactorily mixed and applied.</p> <p>840.05 PACKAGING. Suitably and substantially package all materials with the name and address of the manufacturer and vendor, contract or purchase number, kind of material, trade name, and net contents plainly marked on each package.</p>								
SUBSECTION:	843.01.01 Geotextile Fabric.								
REVISION:	Add the following sentence to the first paragraph:								
	Use circular-knit geotextile conforming to ASTM D 6707 for perforated pipe socks.								
	Add the following sentence to the third paragraph:								
	The manufacturer must participate in the National Transportation Product Evaluation Program (NTEP) for Geotextiles and Geosynthetics.								
SUBSECTION:	843.01.01 Geotextile Fabric.								
PART:	C) Acceptance.								
REVISION:	Delete the burst strength requirement from each table.								
SUBSECTION:	845.02.03 Wrapping.								
REVISION:	Replace Section 845 with Section 843, Type II.								
SECTION:	846 HIGH DENSITY POLYETHYLENE (HDPE) ADJUSTING RINGS								
REVISION:	Add New Section:								
	<p>846.01 RESIN. Use a recycled polyethylene plastic or virgin resin producing a molded part meeting the following requirements:</p> <table style="margin-left: 40px; border: none;"> <tr> <td>Melt Flow Index (ASTM D 1238)</td> <td>4.0-10.0 g/10min</td> </tr> <tr> <td>Density (ASTM D 792)</td> <td>0.941-0.965 g/cm³</td> </tr> <tr> <td>Tensile (ASTM D 638)</td> <td>2000-5000 lb/in²</td> </tr> <tr> <td>ESCR (ASTM D 1693)</td> <td>Condition C</td> </tr> </table> <p>846.02 LOADING. Ensure the adjustment rings meet or exceed the loading requirements of AASHTO'S Standard Specification for HS-25 wheel loading for Highway Bridges.</p>	Melt Flow Index (ASTM D 1238)	4.0-10.0 g/10min	Density (ASTM D 792)	0.941-0.965 g/cm ³	Tensile (ASTM D 638)	2000-5000 lb/in ²	ESCR (ASTM D 1693)	Condition C
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Density (ASTM D 792)	0.941-0.965 g/cm ³								
Tensile (ASTM D 638)	2000-5000 lb/in ²								
ESCR (ASTM D 1693)	Condition C								

SPECIAL NOTES FOR UTILITY CLEARANCE IMPACT ON CONSTRUCTION

Carroll County
FD04 021 71927 01U
KY-36 At Notchlick Road Embankment Correction
Item No. 06-5010.00

WEST CARROLL WATER (WATER) AND CARROLLTON UTILITIES (GAS) AND BELL SOUTH (TELEPHONE) will be relocated by the respective utility companies to accommodate this project. The relocation of these utilities should be complete prior to the arrival of the road contractor.

RAILROADS are not involved in this project.

PROTECTION OF UTILITIES

THE LOCATION OF UTILITIES PROVIDED IN THE CONTRACT DOCUMENTS HAS BEEN FURNISHED BY THE FACILITY OWNERS AND/OR BY REVIEWING RECORD DRAWINGS AND MAY NOT BE ACCURATE. IT WILL BE THE ROADWAY CONTRACTOR'S RESPONSIBILITY TO LOCATE UTILITIES BEFORE EXCAVATING BY CALLING THE VARIOUS UTILITY OWNERS AND BY EXAMINING ANY SUPPLEMENTAL INFORMATION SUPPLIED BY THE CABINET. IF NECESSARY, THE ROADWAY CONTRACTOR SHALL DETERMINE THE EXACT LOCATION AND ELEVATION OF UTILITIES BY HAND DIGGING TO EXPOSE UTILITIES BEFORE EXCAVATING IN THE AREA OF A UTILITY. THE COST FOR REPAIR AND ANY OTHER ASSOCIATED COSTS FOR ANY DAMAGE TO UTILITIES CAUSED BY THE ROADWAY CONTRACTOR'S OPERATIONS SHALL BE BORNE BY THE ROADWAY CONTRACTOR.

THE CONTRACTOR IS ADVISED TO CONTACT THE BUD ONE-CALL SYSTEM; HOWEVER, THE CONTRACTOR SHOULD BE AWARE THAT THE OWNERS OF UNDERGROUND FACILITIES ARE NOT REQUIRED TO BE MEMBERS OF THE BUD ONE-CALL SYSTEM. IT MAY BE NECESSARY FOR THE CONTRACTOR TO CONTACT THE COUNTY COURT CLERK TO DETERMINE WHAT UTILITY COMPANIES HAVE FACILITIES IN THE PROJECT AREA.

N O T I C E

**DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
(NATIONWIDE PERMIT AUTHORIZATION)**

PROJECT: Carroll County, Item No. 6-5010.00
KY-36 at Notchlick Road (Embankment Failure)

The Section 404 activities for this project have been previously permitted under the authority of the Department of the Army Nationwide Permit No. 14 "*LINEAR TRANSPORTATION CROSSINGS*" in accordance with 33 CFR 330, Appendix A, Part B. In order for this authorization to be valid, the conditions for Nationwide Permits must be followed. The contractor shall post a copy of this Nationwide Permit in a conspicuous location at the project site for the duration of construction and comply with the attached conditions as required.

To more readily expedite construction, the contractor may elect to alter the design or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain **written** permission from the Division of Construction and the Corps of Engineers. A copy of any request to the Corps of Engineers to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

(1)



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
FAX: (502) 315-6677
<http://www.lrl.usace.army.mil>

November 4, 2002

Operations Division
Regulatory Branch (South)
ID No. 200201328-par

Mr. Keith Crim
Commonwealth of Kentucky
Transportation Cabinet
125 Holmes Street
Frankfort, Kentucky 40622

Dear Mr. Crim:

This is in response to your request for authorization to construct a 104-foot extension of the existing culvert under Kentucky Route 36 at Notch Lick, in Carroll County, Kentucky. This construction is necessary to stabilize the failed embankment that was steepened with road improvements at the intersection of Route 36 and Notchlick Road. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit would be required under the provisions of Section 404 of the Clean Water Act.

This project is considered a discharge of backfill or bedding material for a road crossing. The project is authorized under the provisions of 33 CFR 330 A Nationwide Permit (NWP) No. 14, Linear Transportation Crossings, as published in the Federal Register January 15, 2002. Under the provisions of this authorization, you must comply with the enclosed:

1. Terms for Nationwide Permit No. 14;
2. Nationwide Permit General Conditions; and
3. Water Quality Certification (WQC) Conditions for Nationwide Permit No. 14 dated March 17, 2002, issued by the Kentucky Division of Water.

Once you obtain your certification or if no application was required, you may proceed with the project without further contact or verification from us. The enclosed Compliance Certification should be signed and returned when the project is completed. This decision is valid for 2 years from the date of this letter. If your project is not completed within this 2-year period or if your project is modified, you must contact us for another permit determination. A copy of this letter is being sent to the Division of Water (see enclosure for address).

(2)

If you have any questions, please contact Ms. Patricia A. Richerson by writing to the above address, ATTN: CELRL-OP-FS, or by calling (502) 315-6687. Any correspondence on this matter should refer to our ID No. 200201328-par.

Sincerely,

A handwritten signature in cursive script that reads "Lee Anne Devine".

Lee Anne Devine
Chief, South Section
Regulatory Branch

Enclosures

ADDRESS FOR COORDINATING AGENCY

Mr. Jack A. Wilson
Director
Division of Water
Natural Resources and Environmental
Protection Cabinet
14 Reilly Road, Ash Building
Frankfort, Kentucky 40601

TERMS FOR NATIONWIDE PERMIT NO. 14

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, and airport runways and taxiways) in waters of the United States, including wetlands, provided the activity meets the following criteria:

a. This NWP is subject to the following acreage and linear limits:

(1) For public linear transportation projects in non-tidal waters, provided the discharge does not cause the loss of greater than 1/2 acre of waters of the United States, or

(2) For public linear transportation projects in tidal waters or non-tidal wetlands adjacent to tidal waters, provided the discharge does not cause the loss of greater than 1/3 acre of waters of the United States,

b. The permittee must notify the District Engineer in accordance with General Condition 13 if any of the following criteria are met:

(1) The discharge causes the loss of greater than 1/10 acre of waters of the United States; or

(2) There is a discharge in a special aquatic site, including wetlands;

c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the United States to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses of waters of the United States will be minimized to the maximum extent practicable;

d. For discharges in special aquatic sites, including wetlands, the notification must include a delineation of the affected special aquatic sites;

e. The width of the fill is limited to the minimum necessary for the crossing;

f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

h. The crossing is a single and complete project for crossing a water of the United States. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an individual permit. (Sections 10 and 404) Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (see 33 CFR 323.4).

General Certification--Nationwide Permit #14--Road Crossings

This General Certification is issued on June 1, 2000, in conformity with the requirements of Section 401 of the Clean Water Act of 1977, as amended (33USC 1314), as well as Kentucky Statute KRS 224.16-070.

The Commonwealth of Kentucky hereby certifies under Section 401 of the Clean Water Act (CWA) that it has reasonable assurances that applicable water quality standards under Kentucky Administrative Regulations Title 401, Chapter 5, established pursuant to Sections 301, 302, 304, 306 and 307 of the CWA, will not be violated for the activity covered under 33 CFR Part 330 Appendix A (B) (14), namely road crossings provided that the following conditions are met:

- 1) Individual road culvert or bridges, either for public or private purposes, that exceed 200 linear feet in width shall require an individual Water Quality Certification.
- 2) Stream and riparian impacts will be limited to the minimum necessary to construct the road crossing. For the purpose of this General Certification, streams are defined as a solid or dashed blue line on the most recent version of USGS 1:24,000 topographic map.
- 3) All equipment access and excavations within a stream, necessary to complete a road-crossing project, shall be done in such a manner as to prevent degradation of waters of the Commonwealth. Temporary equipment crossing structures shall be constructed with sufficient pipe capacity so as not to impede normal stream flow.
- 4) Streambed gravel and rock shall not be used for construction material.
- 5) The stream crossing structure shall be constructed in such a manner that does not impede the movement of aquatic organisms. The bottom of any culverts shall be level with the streambed.
- 6) This General Certification shall not apply to those waters of the Commonwealth identified as Outstanding Resource Waters, Exceptional Waters or Cold Water Aquatic Habitat Waters, as designated by the Division of Water. An individual Water Quality Certification will be required for projects in these waters.
- 7) Stream impacts covered under this nationwide permit and undertaken by those persons defined as an agricultural operation under the Agricultural Water Quality Act must be completed in compliance with the Kentucky Agricultural Water Quality Plan.

Non-compliance with the conditions of this general certification or violation of Kentucky water quality standards may result in civil penalties.

This general certification will expire on February 10, 2002, or sooner if the COE makes significant changes to this nationwide permit.

NATIONWIDE PERMIT CONDITIONS

General Conditions: The following general conditions must be followed in order for any authorization by a NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. **Aquatic Life Movements.** No activity may substantially disrupt the life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions, which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible mix inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, US Forest Service, Bureau of Land Management, US Fish and Wildlife Service).
8. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water Quality.** (a) In certain States and tribal lands an individual 401 water quality certification must be obtained or waived (See 33 CFR 330.4(c)).
(b) For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the State or tribal 401 certification (either generically or individually) does not require or approve a water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of a water quality management plan includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (Refer to General Condition 21 for stormwater management requirements). Another important component of a water quality management plan is the establishment and maintenance of vegetated buffers next to open waters, including streams (Refer to General Condition 19 for vegetated buffer requirements for the NWPs). This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.
10. **Coastal Zone Management.** In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).
11. **Endangered Species.** (a) No activity is authorized under any NWP, which is likely to jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS, the District Engineer may add species-specific regional endangered species conditions to the NWPs.

(b) Authorization of an activity by a nationwide permit does not authorize the 'take' of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with 'incidental take' provisions, etc.) from the US Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal 'takes' of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the US Fish and Wildlife Service and National Marine Fisheries Service or their World Wide Web pages at <http://www.fws.gov/r9endspp/endspp.html> and http://www.nfms.noaa.gov/prot_res/overview/es.html, respectively.

12. Historic Properties. No activity, which may affect historic properties, listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification. (a) **Timing:** Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the PCN is complete within 30 days of the date of receipt and can request the additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an individual permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) **Contents of Notification:** The notification must be in writing and include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) Used or intended to be Used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision); and

(4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) For NWP 7, Outfall Structures and Maintenance, the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed.

(6) For NWP 14, Linear Transportation Projects, the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable.

(7) For NWP 21, Surface Coal Mining Activities, the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

(8) For NWP 27, Stream and Wetland Restoration Activities, the PCN must include documentation of the prior condition of the site that will be reverted by the permittee.

(9) For NWP 29, Single-Family Housing, the PCN must also include:

(i) Any past use of this NWP by the individual permittee and/or the permittee's spouse;

(ii) A statement that the single-family housing activity is for a personal residence of the permittee;

(iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring 1/4 acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of

where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than 1/4 acre in size, a formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

(iv) A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

(10) For NWP 31, Maintenance of Existing Flood Control Facilities, the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:

- (i) Sufficient baseline information so as to identify the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;
- (ii) A delineation of any affected special aquatic sites, including wetlands; and,
- (iii) Location of the dredged material disposal site.

(11) For NWP 33, Temporary Construction, Access, and Dewatering, the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources.

(12) For NWP's 39, 43, and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization of losses of waters of the US were achieved on the project site.

(13) For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal that offsets unavoidable losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(14) For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear-feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent non-tidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

(15) For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent streambed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

(16) For NWP 44, Mining Activities, the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities).

--- (17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work.

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include vicinity map indicating the location of the historic property.

(c) Form of Notification: The standard individual permit application form (Form ENG 4345) may be Used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(19) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may, optionally, submit a proposed mitigation plan with the PCN to expedite the process and the District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. Any compensatory mitigation proposal must be approved by the District Engineer prior to commencing work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal

adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant stating that the project can proceed under the terms and conditions of the nationwide permit. If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then he will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required in order to ensure no more than minimal adverse effects on the aquatic environment, the activity will be authorized within the 45-day PCN period, including the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse effects on the aquatic environment to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2 acre of waters of the US, the District Engineer will, upon receipt of a notification, provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner), a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the National Marine Fisheries Service. With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to National Marine Fisheries Service within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetlands Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps. For NWP 29 see paragraph (b)(9)(iii) for parcels less than 1/4 acre in size. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

14. Compliance Certification. Every permittee who has received a nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter. The certification will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed 1/3 acre.

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material Used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. **Mitigation.** The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects to waters of the US to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWP. For example, 1/4 -acre of wetlands cannot be created to change a 3/4 -acre loss of wetlands to a 1/2 -acre loss associated with NWP 39 verification. However, 1/2 -acre of created wetlands can be used to reduce the impacts of a 1/2 -acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. **Spawning Areas.** Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. **Management of Water Flows.** To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. **Adverse Effects From Impoundments.** If the activity, including structures and work in navigable waters of the US or discharge of dredged or fill material, creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

23. **Waterfowl Breeding Areas.** Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. **Removal of Temporary Fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. **Designated Critical Resource Waters.** Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, State natural heritage sites, and outstanding national resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the US Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWPs only after he determines that the impacts to the critical resource waters will be no more than minimal.

26. **Fills Within 100-Year Floodplains.** For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) *Discharges in Floodplain; Below Headwaters.* Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, 43, and 44.

(b) *Discharges in Floodway; Above Headwaters.* Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. **Construction Period.** For activities the Corps has not verified that and the project were commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12- months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

D. Further Information

1. District engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

Section 10 Special Condition: The permittee understands and agrees that, if future operations by the US require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or its authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structure work or obstructions caused thereby, without expense to the US. No claim shall be made against the US on account of any such removal or alteration.

Compliance Certification:

Permit Number: ID NO. 200201328-par

Name of Permittee: Commonwealth of Kentucky Transportation Cabinet

Date of Issuance: November 4, 2002

Upon completion of the activity authorized by this permit and any mitigation required by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
CELRL-OP-FS
P.O. Box 59
Louisville, Kentucky 40201

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

PART II

SPECIAL PROVISIONS APPLICABLE TO PROJECT

SPECIAL PROVISION NO.

TITLE

NO SPECIAL PROVISIONS APPLY TO THIS PROJECT

PART III

EMPLOYMENT, WAGE AND RECORD REQUIREMENTS
(Copies of each Attached)

1. Schedule of Minimum Wages Established for the Project.
2. Labor and Wage Requirements, applicable to other than Federal-Aid System Contracts. (Rev. 2-16-95)
3. Executive Branch Code of Ethics.

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

**SHEET ONE
LETTING: 03-28-2003**

**PROJECT WAGE RATES
CARROLL COUNTY, FD04 021 0036 006-007**

KY 36

Grade, Drain and Asphalt Surface

HIGHWAY BASIC HOURLY RATES	FRINGE BENEFIT PAYMENTS COMBINED
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CRAFTS

Bullitt, Carroll, Grayson, Hardin, Henry, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer and Trimble Counties:

Bricklayers.....	20.00.....	5.43
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Bracken, Gallatin, Grant, Mason and Robertson Counties:

Bricklayers.....	22.96.....	7.39
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Boyd, Carter, Elliott, Fleming, Greenup, Lewis and Rowan Counties:

Bricklayers.....	23.04.....	8.32
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Anderson, Bath, Bourbon, Boyle, Clark, Fayette, Franklin, Harrison, Jessamine, Madison, Mercer, Montgomery, Nicholas, Owen, Scott, Washington and Woodford Counties:

Bricklayers.....	18.75.....	5.55
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Layout Men.....	19.00.....	5.55
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Refractory/Acid Brick/Glass.....	19.25.....	5.55
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Breckinridge County:

Bricklayers.....	24.15.....	6.55
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All Counties

Carpenters:.....	21.45.....	6.13
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Piledrivermen.....	21.70.....	6.13
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Divers.....	32.55.....	6.13
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Bracken and Grant Counties:

Millwrights.....	21.90.....	7.92
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Anderson, Bath, Bourbon, Boyle, Clark, Fayette, Franklin, Harrison, Jessamine, Madison, Mercer, Montgomery, Nicholas, Owen, Scott and Woodford Counties:

Millwrights.....	19.50.....	9.53
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Boyd, Carter, Elliott, Fleming, Greenup, Lewis, Mason, Robertson, and Rowan Counties:

Millwrights.....	20.79.....	14.04
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Breckinridge, Bullitt, Carroll, Gallatin, Grayson, Hardin, Henry, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble and Washington Counties:

Millwrights.....	22.25.....	10.30
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Bracken, Gallatin and Grant Counties:

Electricians.....	23.53.....	7.20
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Sound Communications:

Installer.....	18.00.....	3.475
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CablePuller.....	9.00.....	2.64
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**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET TWO 03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

HIGHWAY BASIC HOURLY RATES	FRINGE BENEFIT PAYMENTS COMBINED
CRAFTS (continued)	
Boyd, Carter, Elliott and Rowan Counties:	
Electricians:	
Electricians	23.11 11.04
Cable Splicers	24.27 11.08
Anderson, Bath, Bourbon, Boyle, Breckinridge, Bullitt, Carroll, Clark, Fayette, Franklin, Grayson, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Madison, Marion, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Robertson, Scott, Shelby, Spencer, Trimble, Washington and Woodford Counties:	
Electricians	24.25 8.24
Fleming, Greenup, Lewis and Mason Counties:	
Electricians	26.30 7.92
Bourbon (Northern third, including Townships of Jackson, Millersburg, Ruddel Mills & Shawhan); Carroll (Eastern third, including the Township of Ghent); Fleming (Western part, excluding Townships of Beechburg, Colfax, Elizaville, Flemingsburg, Flemingsburg Junction, Foxport, Grange City, Hillsboro, Hilltop, Mount Carmel, Muses Mills, Nepton, Pecksridge, Plummers Landing, Plummers Mill, Poplar Plains, Ringos Mills, Tilton & Wallingford); Mason (Western two-thirds, including Townships of Dover, Lewisburg, Mays Lick, Maysville, Minerva, Moranburg, Murphysville, Ripley, Sardis, Shannon, South Ripley & Washington); Nicholas (Townships of Barefoot, Barterville, Carlisle, Ellisville, Headquarters, Henryville, Morningglory, Myers & Oakland Mills); Owen (Townships of Beechwood, Bromley, Fairbanks, Holbrook, Jonesville, Long Ridge, Lusby's Mill, New, New Columbus, New Liberty, Owenton, Poplar Grove, Rockdale, Sanders, Teresita & Wheatley); Scott (Northern two-thirds, including Townships of Biddle, Davis, Delaplain, Elmville, Longlick, Muddy Ford, Oxford, Rogers Gap, Sadieville, Skinnersburg & Stonewall) & Bracken, Gallatin, Grant, Harrison & Robertson Counties:	
Ironworkers:	
Structural	23.45 10.88
Fence Erector	21.11 10.88
Bourbon (Southern two-thirds, including Townships of Austerlity, Centerville, Clintonville, Elizabeth, Hutchison, Littlerock, North Middletown & Paris); Carroll (Western two-thirds, including Townships of Carrollton, Easterday, English, Locust, Louis, Prestonville & Worthville); Clark (Western two-thirds, including Townships of Becknerville, Flanagan, Ford, Pine Grove, Winchester & Wyandotte); Owen (Eastern eighth, including Townships of Glenmary, Gratz, Monterey, Perry Park & Tacketts Mill); Scott (Southern third, including Townships of Georgetown, Great Crossing, Newtown, Stamping Ground & Woodlake); Anderson, Boyle, Breckinridge, Bullitt, Fayette, Franklin, Grayson, Hardin, Henry, Jefferson, Jessamine, Larue, Madison, Marion, Meade, Mercer, Nelson, Oldham, Shelby, Spencer, Trimble, Washington & Woodford Counties:	
Ironworkers	23.25 10.87

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET THREE 03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

**HIGHWAY
BASIC HOURLY
RATES**

**FRINGE
BENEFIT PAYMENTS
COMBINED**

CRAFTS (continued)

Bourbon (Northern third, including Townships of Jackson, Millersburg, Ruddel Mills & Shawhan); Carroll (Eastern third, including the Townships of Ghent); Fleming (Western part, excluding Townships of Beechburg, Colfax, Elizaville, Flemingsburg, Flemingsburg Junction, Foxport, Grange City, Hillsboro, Hilltop, Mount Carmel, Muses Mills, Nepton, Pecksville, Plummers Landing, Plummers Mill, Poplar Plains, Ringos Mills, Tilton & Wallingford); Mason (Western two-thirds, including Townships of Dover, Lewisburg, Mays Lick, Maysville, Minerva, Moranburg, Murphysville, Ripley, Sardis, Shannon, South Ripley & Washington); Nicholas (Townships of Barefoot, Barterville, Carlisle, Ellisville, Headquarters, Henryville, Morningglory, Myers & Oakland Mills); Owen (Townships of Beechwood, Bromley, Fairbanks, Holbrook, Jonesville, Long Ridge, Lusby's Mill, New, New Columbus, New Liberty, Owenton, Poplar Grove, Rockdale, Sanders, Teresita & Wheatley); Scott (Northern two-thirds, including Townships of Biddle, Davis, Delaplain, Elmville, Longlick, Muddy Ford, Oxford, Rogers Gap, Sadieville, Skinnersburg & Stonewall); Bracken, Gallatin, Grant, Harrison & Robertson Counties:

Ironworkers Reinforcing:

Up to and including 30- mile radius of Hamilton County, Ohio Courthouse.....	22.71.....	10.47
Beyond 30- mile radius of Hamilton County, Ohio Courthouse	22.96.....	10.47

Clark (Eastern third, including Townships of Bloomingdale, Hunt, Indian Fields, Kiddville, Loglick, Rightangele & Thomson); Fleming (Townships of Beechburg, Colfax, Elizaville, Flemingsburg, Flemingsburg Junction, Foxport, Grange City, Hillsboro, Hilltop, Mount Carmel, Muses Mills, Nepton, Pecksville, Plummers Landing, Plummers Mill, Poplar Plains, Ringos Mills, Tilton & Wallingford); Mason (Eastern third, including Townships of Helena, Marshall, Orangeburg, Plumville & Springdale); Nicholas (Eastern eighth, including the Township of Moorefield Sprout); Bath, Boyd, Carter, Elliott, Greenup, Lewis, Montgomery & Rowan Counties:

Ironworkers:

Zone 1	24.92	11.14
Zone 2	25.32	11.14
Zone 3	27.32	11.14

Zone 1 - Up to 10 mi. radius of union hall, Ashland, KY, 1643 Greenup Avenue;
 Zone 2 - 10 to 50 mi. radius of union hall;
 Zone 3 - 50 mi. radius and beyond.

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET FOUR

03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

HIGHWAY BASIC HOURLY RATES	FRINGE BENEFIT PAYMENTS COMBINED
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CRAFTS (continued)

Anderson, Breckinridge, Bullitt, Carroll, Grayson, Hardin, Henry, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble and Washington Counties:

Painters:

Brush.....	17.02	5.92
Abrasive Blaster, Fireproofing, Lead Abatement, Spray, & Waterblasting 4000 PSI and Above.....		
	17.52	5.92

Bracken, Gallatin, Grant, Mason, and Owen Counties:

Painters:

Elevated Tanks	22.30	5.10
(Heavy and Highway Bridges- Guardrails-Lightpoles-Striping): Bridge/Equipment Tender and/or Containment Builder		
	18.95	5.10
Brush and Roller	21.30	5.10
Spray	21.80	5.10
Sand Blasting and Hopper Tender, ~ Water Blasting.....		
	22.05	5.10
Bridges when highest point of Clearance is 60 feet or more; & Lead Abatement Projects		
	22.30	5.10
Sandblasting, Hopper Tender, Waterblasting Bridges when highest point of Clearance is 60 feet or more;.....		
	23.05	5.10

Bath, Bourbon, Boyle, Clark, Fayette, Fleming, Franklin, Harrison, Jessamine, Madison, Mercer, Montgomery, Nicholas, Robertson, Scott and Woodford Counties

Painters:

Brush; Roll; Spray; Sandblasting; Steam Cleaning; Steeplejack Work; Lead Abatement; & Coal Tar	16.81	2.60
Bridge/Equipment Tender and/or Containment Builder		
	17.96	2.60
Swing & Scaffold Bridges; Structural Steel; Open Acid Tanks; High Tension Electrical Equipment; & Hot Pipes		
	21.00	2.60

Boyd, Carter, Elliott, Greenup, Lewis and Rowan Counties

Painters:

Bridges	23.28	9.07
All Other Work.....	19.42	9.07

Three/Federal-State

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET FIVE 03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

HIGHWAY BASIC HOURLY RATES	FRINGE BENEFIT PAYMENTS COMBINED
CRAFTS (continued)	
Breckinridge, Bullitt, Carroll (Western Half), Franklin (Western three-fourths), Grayson, Hardin, Henry, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble and Washington Counties:	
Plumbers; Gas Fitters:	
Plumbing contracts less than	
\$150,000.00	6.42
All other plumbing contracts:	6.42
Boyd, Carter, Elliott, Greenup, Lewis and Rowan Counties:	
Plumbers and Steamfitters	12.40
Bracken, Carroll (Eastern Half), Gallatin, Grant, Mason, Owen and Robertson Counties:	
Pipefitters and Plumbers	8.09
Anderson, Bath, Bourbon, Boyle, Clark, Fayette, Fleming, Franklin (Eastern one-fourth), Harrison, Jessamine, Madison, Mercer, Montgomery, Nicholas, Scott and Woodford Counties:	
Pipefitters and Plumbers:	
Projects over 1 ½ million dollars in piping contracts:	
ZONE 1	7.72
ZONE 2	7.72
Projects under 1 ½ million dollars in piping contracts:	
ZONE 1	7.72
ZONE 2	7.72
ZONE 1 - Within 25 mile radius of Fayette County Courthouse	
ZONE 2 - Beyond 25 mile radius of Fayette County Courthouse	
Breckinridge, Bullitt, Carroll (Western Half), Franklin (Western three fourths), Grayson, Hardin, Henry, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Shelby, Spencer, Trimble and Washington Counties:	
Pipefitters and Steamfitters	8.98

LABORERS:

Aging and curing of concrete, asbestos abatement worker, asphalt plant, asphalt, batch truck dump, carpenter tender, cement mason tender, cleaning of machines, concrete, demolition, dredging, environmental - nuclear, radiation, toxic and hazardous waste - level D, flagperson, grade checker, hand digging and hand back filling, highway marker placer, landscaping mesh handler and placer, puddler, railroad, rip-rap and grouter, right-of-way sign, guard rail and fence installer, signal person, sound barrier installer, storm and sanitary sewer, swamper, truck spotter and dumper, and wrecking of concrete form.

BASE RATE	16.34
FRINGE BENEFITS	7.38

Three/Federal-State

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET SIX 03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

LABORERS: (continued)

Batter board man (sanitary and storm sewer), brickmason tender, mortar mixer operator, burner and welder, bushhammer, chain saw operator, concrete saw operator, deckhand scow man, dry cement handler, environmental - nuclear, radiation, toxic and hazardous waste - level C, forklift operator for masonry, form setter, green concrete cutting, hand operated grouter and grinder machine operator, jackhammer, pavement breaker, paving joint machine, pipelayer, plastic pipe fusion, power driven Georgia buggy and wheel barrow, power post hole digger, precast manhole setter, walk-behind tamper, walk-behind trencher, sand blaster, concrete chipper, surface grinder, vibrator operator and wagon driller.

BASE RATE 16.59
FRINGE BENEFITS 7.38

Air track driller, asphalt lutean and raker, gunnite nozzleman, gunnite operator and mixer, grout pump operator, powderman and blaster, side rail setter, rail paved ditch, screw operator, tunnel (free air) and water blaster.

BASE RATE 16.64
FRINGE BENEFITS 7.38

Caisson worker (free air), cement finisher, environmental - nuclear, radiation, toxic and hazardous waste - levels A and B, miner and driller (free air), tunnel blaster and tunnel mucker (free air).

BASE RATE 17.24
FRINGE BENEFITS 7.38

TEAMSTERS

BASE RATE

Mobile Batch Truck Tender 16.57

Greaser, Tire Changer and Mechanic Tender 16.68

Single Axle Dump, Flatbed, Semi-trailer or Pole Trailer when used to pull building materials and equipment, Tandem Axle Dump, Distributor, Mixer and Truck Mechanic 16.86

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET SEVEN 03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

TEAMSTERS(continued)

Euclid & Other Heavy Earthmoving Equipment & Lowboy, Articulator Cat, 5-Axle Vehicle, Winch & A-Frame when used in transporting materials, Ross Carrier, Forklift when used to transport building materials and Pavement Breaker..... 16.96

FRINGE BENEFITS..... 7.34

OPERATING ENGINEERS:

A-Frame winch truck, auto patrol, backfiller, batcher plant, bituminous paver, bituminous transfer machine, boom cat, bulldozer, mechanic, cableway, carry-all scoop, carry deck crane, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete paver, truck-mounted concrete pump, core drill, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and loaders, grade-all, guries, heavy equipment robotics operator/mechanic, high lift, hoe-type machine, hoist (two or more drums), hoisting engine (two or more drums), horizontal directional drill operator, hydrocrane, hyster, KeCal loader, Letourneau, locomotive, mechanically operated laser screed, mechanic welder, mucking machine, motor scraper, orangepeel bucket, piledriver, power blade, pumpcrete, push dozer, rock spreader attached to equipment, rotary drill, roller (bituminous), scarifier, scoopmobile, shovel, side boom, subgrader, tailboom, telescoping type forklift, tow or push boat, tower crane (French, German and other types), tractor shovel and truck crane, tunnel mining machines, including moles, shields or similar types of tunnel mining equipment.

**BASE RATE 21.10
FRINGE BENEFITS 9.15**

Air compressor (over 900 cu. ft. per min.), bituminous mixer, boom type tamping machine, bull float, concrete mixer (under 21 cu. ft.), dredge engineer, electric vibrator compactor/self-propelled compactor, elevator (one drum or buck hoist), elevator (when used to hoist building material), finish machine, fireman & hoist (one drum), flexplane, forklift (regardless of lift height), form grader, joint sealing machine, outboard motor boat, power sweeper (riding type), roller (rock), ross carrier, skid mounted or trailer mounted concrete pump, switchman or brakeman, throttle valve person, tractair and road widening trencher, tractor (50 H.P. or over), truck crane oiler, tugger, welding machine, well points and whirley oiler.

**BASE RATE 18.68
FRINGE BENEFITS 9.15**

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET EIGHT 03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

OPERATING ENGINEERS: (continued)

Bituminous distributor, burlap and curing machine, cement gun, concrete saw, conveyor, deckhand oiler, grout pump, hydraulic post driver, hydro seeder, mud jack, oiler, paving joint machine, power form handling equipment, pump, roller (earth), steerman, tamping machine, tractor (under 50 H.P.) and vibrator.

BASE RATE 18.42
FRINGE BENEFITS 9.15

Greaser on grease facilities servicing heavy equipment.

BASE RATE 19.06
FRINGE BENEFITS 9.15

Operators on cranes with booms one hundred fifty feet (150') and over (including jib) shall receive fifty (\$.50) cents above Base Rate.

Employees assigned to work below ground level are to be paid 10% above basic wage rate. This does not apply to open cut work.

WELDERS - Receive rate for craft in which welding is incidental.

Fringe benefit amounts are applicable for all hours worked except when otherwise noted.

These rates are listed pursuant to Kentucky Determination No. CR-01-III HWY dated October 8, 2001 and/or Federal Decision Number KY 020027 dated March 1, 2002, modification #1 dated April 5, 2002, modification #2 dated May 3, 2002, modification #3 dated June 21, 2002, modification #4 dated July 5, 2002, modification #5 dated August 16, 2002, modification #6 dated September 13, 2002, modification #7 dated October 4, 2002, modification #8 dated November 8, 2002, modification #9 dated January 10, 2003, modification #10 dated January 17, 2003 and modification #11 dated February 14, 2003.

No laborer, workman or mechanic shall be paid at a rate less than that of a Journeyman except those classified as bona fide apprentices.

**TRANSPORTATION CABINET
DIVISION OF CONTRACT PROCUREMENT
COMPLIANCE SECTION**

PROJECT WAGE RATES

SHEET NINE 03-28-2003

CARROLL COUNTY, FD04 021 0036 006-007

Apprentices or trainees shall be permitted to work as such subject to Administrative Regulations adopted by the Commissioner of Workplace Standards. Copies of these regulations will be furnished upon request from any interested person.

Before using apprentices on the job the contractor shall present to the Contracting Officer written evidence of registration of such employees in a program of a State apprenticeship and training agency approved and recognized by the U. S. Bureau of Apprenticeship and Training. In the absence of such a State agency, the contractor shall submit evidence of approval and registration by the U. S. Bureau of Apprenticeship and Training.

The contractor shall submit to the Contracting Officer, written evidence of the established apprenticeship-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project under the applicable contract provisions.

TO: EMPLOYERS/EMPLOYEES

PREVAILING WAGE SCHEDULE:

The wages indicated on this wage schedule are the least permitted to be paid for the occupations indicated. When an employee works in more than one classification, the employer must record the number of hours worked in each classification at the prescribed hourly base rate.

OVERTIME:

Overtime is to be paid after an employee works eight (8) hours a day or forty (40) hours a week, whichever gives the employee the greater wages. At least time and one-half the base rate is required for all overtime. A laborer, workman or mechanic and an employer may enter into a written agreement or a collective bargaining agreement to work more than eight (8) hours a calendar day but not more than ten (10) hours a calendar day for the straight time hourly rate. Wage violations or questions should be directed to the designated Engineer or the undersigned.

Rick Stansel, Director
Division of Contract Procurement
Frankfort, Kentucky 40622

TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS

LABOR AND WAGE REQUIREMENTS
APPLICABLE TO OTHER THAN FEDERAL-AID SYSTEM PROJECTS

- I. Application
- II. Nondiscrimination of Employees (KRS 344)
- III. Payment of Predetermined Minimum Wages
- IV. Statements and Payrolls

I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract. The contractor's organization shall be construed to include only workmen employed and paid directly by the contractor and equipment owned or rented by him, with or without operators.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Provisions and such other stipulations as may be required.

3. A breach of any of the stipulations contained in these Required Provisions may be grounds for termination of the contract.

II. NONDISCRIMINATION OF EMPLOYEES

AN ACT OF THE KENTUCKY
GENERAL ASSEMBLY TO PREVENT
DISCRIMINATION IN EMPLOYMENT
KRS CHAPTER 344
EFFECTIVE JUNE 16, 1972

The contract on this project, in accordance with KRS Chapter 344, provides that during the performance of this contract, the contractor agrees as follows:

1. The contractor shall not fail or refuse to hire, or shall not discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy); or limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy). The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

2. The contractor shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, disability or age (between forty and seventy), except that such notice or advertisement may indicate a preference, limitation, or specification based on religion, or national origin when religion, or national origin is a bona fide occupational qualification for employment.

3. If the contractor is in control of apprenticeship or other training or retraining, including on-the-job training programs, he shall not discriminate against an individual because of his race, color, religion, national origin, sex, disability or age (between forty and seventy), in admission to, or employment in

any program established to provide apprenticeship or other training.

4. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance.

III. PAYMENT OF PREDETERMINED
MINIMUM WAGES

1. These special provisions are supplemented elsewhere in the contract by special provisions which set forth certain predetermined minimum wage rates. The contractor shall pay not less than those rates.

2. The minimum wage determination schedule shall be posted by the contractor, in a manner prescribed by the Department of Highways, at the site of the work in prominent places where it can be easily seen by the workers.

IV. STATEMENTS AND PAYROLLS

1. All contractors and subcontractors affected by the terms of KRS 337.505 to 337.550 shall keep full and accurate payroll records covering all disbursements of wages to their employees to whom they are required to pay not less than the prevailing rate of wages. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of one (1) year from the date of completion of this contract.

2. The payroll records shall contain the name, address and social security number of each employee, his correct classification, rate of pay, daily and weekly number of hours worked, itemized deductions made and actual wages paid.

3. The contractor shall make his daily records available at the project site for inspection by the State Department of Highways contracting office or his authorized representative.

Periodic investigations shall be conducted as required to assure compliance with the labor provisions of the contract. Interrogation of employees and officials of the contractor shall be permitted during working hours.

Aggrieved workers, Highway Managers, Assistant District Engineers, Resident Engineers and Project Engineers shall report all complaints and violations to the Division of Contract Procurement.

The contractor shall be notified in writing of apparent violations. The contractor may correct the reported violations and notify the Department of Highways of the action taken or may request an informal hearing. The request for hearing shall be in writing within ten (10) days after receipt of the notice of the reported violation. The contractor may submit records and information which will aid in determining the true facts relating to the reported violations.

Any person or organization aggrieved by the action taken or the findings established as a result of an informal hearing by the Division of Contract Procurement may request a formal hearing.

4. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payments, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

5. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

6. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

7. Every employee on the work covered by this contract shall be permitted to lodge, board, and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall directly or indirectly require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

8. Every employee on the project covered by this contract shall be an employee of either the prime contractor or an approved subcontractor.

9. No charge shall be made for any transportation furnished by the contractor or his agents to any person employed on the work.

10. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks or other equipment from individuals.

No Covered employee may be employed on the work except in accordance with the classification set forth in the schedule mentioned above; provided, however, that in the event additional classifications are required, application shall be made by the contractor to the Department of Highways and (1) the Department shall request appropriate classifications and rates from the proper agency, or (2) if there is urgent need for additional classification to avoid undue delay in the work, the contractor may employ such workmen at rates deemed comparable to rates established for similar classifications provided he has made written application through the Department of Highways, addressed to the proper agency, for the supplemental rates. The contractor shall retroactively adjust, upon receipt of the supplemental rates schedule, the wages of any employee paid less than the established rate and may adjust the wages of any employee overpaid.

11. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any work-week in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such work-week unless such laborer or mechanic receives compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such work-week. A laborer, workman or mechanic and an employer may enter into a written agreement or a collective bargaining agreement to work more than eight (8) hours a calendar day but not more than ten (10) hours a calendar day for the straight time hourly rate. This agreement shall be in writing and shall be executed prior to the employee working in excess of eight (8) hours, but not more than ten (10) hours, in any one (1) calendar day.

12. Payments to the contractor may be suspended or withheld due to failure of the contractor

to pay any laborer or mechanic employed or working on the site of the work, all or part of the wages required under the terms of the contract. The Department may suspend or withhold payments only after the contractor has been given written notice of the alleged violation and the contractor has failed to comply with the wage determination of the Department of Highways.

13. Contractors and subcontractors shall comply with the sections of Kentucky Revised Statutes, Chapter 337 relating to contracts for Public Works.

Revised 2-16-95

EXECUTIVE BRANCH CODE OF ETHICS

In the 1992 regular legislative session, the General Assembly passed and Governor Brereton Jones signed Senate Bill 63 (codified as KRS 11A), the Executive Branch Code of Ethics, which states, in part:

KRS 11A.040 (6) provides:

No present or former public servant shall, within six (6) months of following termination of his office or employment, accept employment, compensation or other economic benefit from any person or business that contracts or does business with the state in matters in which he was directly involved during his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved in state government. This subsection shall not prohibit the performance of ministerial functions, including, but not limited to, filing tax returns, filing applications for permits or licenses, or filing incorporation papers.

KRS 11A.040 (8) states:

A former public servant shall not represent a person in a matter before a state agency in which the former public servant was directly involved, for a period of one (1) year after the latter of:

- a) The date of leaving office or termination of employment; or
- b) The date the term of office expires to which the public servant was elected.

This law is intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not as a way to obtain private benefits.

If you have worked for the executive branch of state government within the past six months, you may be subject to the law's prohibitions. The law's applicability may be different if you hold elected office or are contemplating representation of another before a state agency.

Also, if you are affiliated with a firm which does business with the state and which employs former state executive-branch employees, you should be aware that the law may apply to them.

In case of doubt, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission, Room 136, Capitol Building, 700 Capitol Avenue, Frankfort, Kentucky 40601; telephone (502) 564-7954.

PART IV

INSURANCE

The Contractor shall carry the following insurance in addition to the insurance required by law:

- (1) Contractor's Public Liability Insurance not less than **\$100,000.00** for damages arising out of bodily injuries to or death to one person. Not less than **\$300,000.00** for damages arising out of bodily injuries to or death to two or more persons.
- (2) Contractor's Property Damages Liability Insurance. Not less than **\$100,000.00** for all damages arising out of injury or destruction of property in any one accident. Not less than **\$300,000.00** for all damages during the policy period.
- (3) Contractor's Protective Public Liability and Property Damage Insurance. The contractor shall furnish evidence with respect to operations performed for him by subcontractors that he carries in his own behalf for the above stipulated amounts.
- (4) The insurance required above must be evidenced by a Certificate of Insurance and this Certificate of Insurance must contain one of the following statements:
 - a. "policy contains no deductible clauses."
 - b. "policy contains a _____ deductible property
(amount)
damage clause but company will pay claim and collect
the deductible from the insured."
- (5) WORKMEN'S COMPENSATION INSURANCE. The contractor shall furnish evidence of coverage of all his employees or give evidence of self-insurance by submitting a copy of a certificate issued by the Workmen's Compensation Board.

PART V

STATEMENT OF INCOMPLETED WORK

1. Status of Active Prime Contracts.

Attached

1. STATUS OF ALL INCOMPLETED PRIME CONTRACTS

All active prime contracts must be reported. This includes prime contracts with public and private owners and joint-ventured contracts. The names of the joint venturers must be shown when reporting these projects. A machine or typed listing reporting the status of each contract is acceptable when attached to this report; however, the total amounts on the itemized listing must be reported in the space provided below:

CONTRACT WITH	PROJECT IDENTIFICATION	PRIME CONTRACT AMOUNT	EARNINGS THROUGH LAST APPROVED ESTIMATE	TOTAL AMOUNT OF WORK REMAINING
TOTAL (Attach Summary if not itemized above)		\$	\$	\$

PART VI

BID ITEMS

TRANSPORTATION CABINET

Department of Highways

FRANKFORT, KY 40622

Sheet No: 1

CARROLL COUNTY

FD04 021 0036 006-007

PCN: 03-0133

Letting: 3/28/2003

THE BIDDER MUST MAKE THE EXTENSIONS AND ADDITIONS
SHOWING TOTAL AMOUNT BID USING FIGURES ONLY

Item No.	Code No.	Item	Approximate Quantity	Unit	Unit Price Dollars	Amount Dollars
		BRIDGE AND CULVERT QUANTITIES			.	.
1	2403	REMOVING CONCRETE MASONRY	126.00	CU YD	.	.
2	8100	CONCRETE-CLASS A	815.70	CU YD	.	.
3	8051	PILES-STEEL HP14X89	1,454.00	LIN FT	.	.
4	8095	PILE POINTS-14 INCH	68.00	EACH	.	.
5	8033	TEST PILES	250.00	LIN FT	.	.
6	8150	STEEL REINFORCEMENT	106,113.00	LB	.	.
7	8003	FOUNDATION PREPARATION	1.00	LP SUM	.	.
		ROADWAY QUANTITIES			.	.
8	2223	GRANULAR EMBANKMENT	222.00	CU YD	.	.
9	2230	EMBANKMENT IN PLACE	9,139.00	CU YD	.	.
10	6514	PAVE STRIPING-PERM PAINT-4 IN	3,676.00	LIN FT	.	.
11	6591	PAVEMENT MARKER TYPE V - B Y	31.00	EACH	.	.
12	2562	SIGNS	300.21	SQ FT	.	.
13	2014	BARRICADE-TYPE III	2.00	EACH	.	.
14	2351	GUARDRAIL-STEEL W BEAM-S FACE	200.00	LIN FT	.	.
15	2391	GUARDRAIL END TREATMENT TY 4A	1.00	EACH	.	.
16	2371	GUARDRAIL END TREATMENT TYPE 7	2.00	EACH	.	.
17	2396	REMOVE GUARDRAIL END TREATMEN	3.00	EACH	.	.
18	2383	REMOVING & RESETTING GUARDRAIL	390.00	LIN FT	.	.
19	2381	REMOVING GUARDRAIL	436.50	LIN FT	.	.
20	0462	CULVERT PIPE-18 INCH	92.00	LIN FT	.	.
21	0441	ENTRANCE PIPE-18 INCH	22.00	LIN FT	.	.
22	1001	PERFORATED PIPE-6 INCH	630.00	LIN FT	.	.
23	1450	S & F BOX INLET-OUTLET-18 INCH	1.00	EACH	.	.
24	5985	SEEDING AND PROTECTION	6,957.00	SQ YD	.	.
25	2704	SILT TRAP TYPE B	2.00	EACH	.	.

TRANSPORTATION CABINET

Department of Highways

FRANKFORT, KY 40622

Sheet No: 2

CARROLL COUNTY

FD04 021 0036 006-007

PCN: 03-0133

Letting: 3/28/2003

THE BIDDER MUST MAKE THE EXTENSIONS AND ADDITIONS
SHOWING TOTAL AMOUNT BID USING FIGURES ONLY

Item No.	Code No.	Item	Approximate Quantity	Unit	Unit Price Dollars	Amount Dollars
26	2707	CLEAN SILT TRAP TYPE B	2.00	EACH	.	.
27	2705	SILT CHECK	20.00	EACH	.	.
28	2708	CLEAN SILT CHECK	20.00	EACH	.	.
29	9277	SILT CHECK TY 2 MOD	1.00	EACH	.	.
30	9278	CLEAN SILT CHECK TY 2 MOD	1.00	EACH	.	.
31	2484	CHANNEL LINING CLASS III	3,900.00	TON	.	.
32	2596	FABRIC-GEOTEXTILE TYPE I	2,333.00	SQ YD	.	.
33	2599	FABRIC-GEOTEXTILE TYPE IV	667.00	SQ YD	.	.
34	2434	R/W MARKER RURAL TYPE 1	5.00	EACH	.	.
35	2585	EDGE KEY	54.00	LIN FT	.	.
36	0003	CRUSHED STONE BASE	254.00	TON	.	.
37	0190	LEVELING AND WEDGING PG64-22	101.00	TON	.	.
38	0212	CL2 ASPH BASE 1.00D PG64-22	446.00	TON	.	.
39	0304	CL2 ASPH SURF 0.38C PG64-22	149.00	TON	.	.
40	2545	CLEARING AND GRUBBING (1.647 ACRES)	1.00	LP SUM	.	.
41	2726	STAKING	1.00	LP SUM	.	.
42	2650	MAINTAIN AND CONTROL TRAFFIC	1.00	LP SUM	.	.
43	2569	DEMOBILIZATION	1.00	LP SUM	.	.
44		TOTAL BID			\$.

PART VII

CERTIFICATIONS

- | | | |
|----|---|----------|
| 1. | Provisions Relative to Senate Bill 258 (1994) | Attached |
| 2. | Non-Collusion Certification | Attached |
| 3. | Certification of Bid Proposal | Attached |

PROVISIONS RELATIVE TO SENATE BILL 258 (1994)

During the performance of the contract, the contractor agrees to comply with applicable provisions of:

1. KRS 136 Corporation and Utility Taxes
2. KRS 139 Sale and Use Taxes
3. KRS 141 Income Taxes
4. KRS 337 Wages and Hours
5. KRS 338 Occupational Safety and Health of Employees
6. KRS 341 Unemployment Compensation
7. KRS 342 Workers Compensation

Any final determinations of a violation by the contractor within the previous five (5) years pursuant to the applicable statutes above are revealed as follows:

NON-COLLUSION CERTIFICATION

COMMONWEALTH OF KENTUCKY
COUNTY _____
PROJECT NO. _____

I, _____, _____, under
(Name of officer signing certification) (Title)

penalty of perjury under the laws of the United States, do hereby certify that

(Insert name of Individual, Joint Venture, Co-partnership, or Corporation submitting bid)

its agent, officers or employees have not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding in connection with this proposal.

(Signature)

(Title)

REVISED: 8-23-89

NON-COLLUSION CERTIFICATION

COMMONWEALTH OF KENTUCKY
COUNTY _____
PROJECT NO. _____

I, _____, _____, under
(Name of officer signing certification) (Title)

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its agent, officers or employees have not directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding in connection with this proposal.

(Signature)

(Title)

REVISED: 8-23-89

